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House Concurrent Resolution 4 - Introduced

HOUSE CONCURRENT RESOLUTION NO. 4

BY COMMITTEE ON ETHICS

(SUCCESSOR TO HSB 26)

1 A Concurrent Resolution relating to the joint rules  
2 governing lobbyists of the Senate and House of  
3 Representatives for the Eighty-fifth General  
4 Assembly.

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE  
6 SENATE CONCURRING, That ~~Senate Resolution 4 and House~~  
7 ~~Resolution 12 are superseded by this resolution and~~  
8 ~~that~~ the joint rules governing lobbyists of the Senate  
9 and House of Representatives for the ~~Eighty-fourth~~  
10 Eighty-fifth General Assembly shall be as follows:

11 JOINT RULES GOVERNING LOBBYISTS

12 Rule 1

13 DEFINITIONS

14 As used in these rules, "client", "gift",  
15 "honoraria" or "honorarium", "immediate family member",  
16 and "lobbyist" have the meaning provided in chapter  
17 68B of the Code. As used in these rules, the term  
18 "political action committee" means a committee, but not  
19 a candidate's committee, which accepts contributions,  
20 makes expenditures, or incurs indebtedness in the  
21 aggregate of more than seven hundred fifty dollars  
22 in any one calendar year to expressly advocate the  
23 nomination, election, or defeat of a candidate for  
24 public office or to expressly advocate the passage or  
25 defeat of a ballot issue or influencing legislative  
26 action, or an association, lodge, society, cooperative,  
27 union, fraternity, sorority, educational institution,



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1 civic organization, labor organization, religious  
2 organization, or professional or other organization  
3 which makes contributions in the aggregate of more than  
4 seven hundred fifty dollars in any one calendar year  
5 to expressly advocate the nomination, election, or  
6 defeat of a candidate for public office or to expressly  
7 advocate the passage or defeat of a ballot issue or  
8 influencing legislative action.

9

Rule 2

10

REGISTRATION REQUIRED

11 1. All lobbyists shall register with the chief  
12 clerk of the house and secretary of the senate on or  
13 before the day their lobbying activity begins. In  
14 addition, the lobbyist shall file with the chief clerk  
15 of the house and secretary of the senate a statement  
16 of the general subjects of legislation in which the  
17 lobbyist is or may be interested, and a declaration  
18 of the numbers of the bills and resolutions and the  
19 bill number of study bills, if known, which will be  
20 lobbied, whether the lobbyist intends to lobby for or  
21 against each bill, resolution, or study bill, if known,  
22 and on whose behalf the lobbyist is lobbying the bill,  
23 resolution, or study bill.

24 2. A declaration on a bill, resolution, or study  
25 bill shall be filed prior to the lobbyist advocating  
26 for or against the bill, resolution, or study bill  
27 or stating that the lobbyist's client is undecided.  
28 If such a prior declaration is impracticable, a  
29 declaration shall be made within one working day  
30 of the commencement of advocating for or against

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1 the bill, resolution, or study bill or stating that  
2 the lobbyist's client is undecided. A change to a  
3 declaration for a bill, resolution, or study bill shall  
4 be filed within one working day of when the change  
5 becomes effective.

6 3. Registration expires upon the commencement of  
7 the next regular session of the general assembly,  
8 except that the chief clerk of the house and secretary  
9 of the senate may adopt and implement a reasonable  
10 preregistration procedure in advance of each regular  
11 session during which persons may register for that  
12 session and the following legislative interim.

13 4. If a lobbyist's service on behalf of a  
14 particular employer, client, or cause is concluded  
15 prior to the end of the calendar year, the lobbyist may  
16 cancel the registration on appropriate forms supplied  
17 by the chief clerk of the house and the secretary  
18 of the senate. Upon cancellation of registration, a  
19 lobbyist is prohibited from engaging in any lobbying  
20 activity on behalf of that particular employer, client,  
21 or cause until reregistering and complying with these  
22 rules. A lobbyist's registration is valid for only one  
23 session of a general assembly.

24 5. If a registered lobbyist represents more than  
25 one employer, client, or cause and the lobbyist's  
26 services are concluded on behalf of a particular  
27 employer, client, or cause after the lobbyist registers  
28 but before the first day of the next legislative  
29 session, the lobbyist shall file an amendment to the  
30 lobbyist's registration indicating which employer,



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1 client, or cause is no longer represented by the  
2 lobbyist and the date upon which the representation  
3 concluded.

4 6. If a lobbyist is retained by one or more  
5 additional employers, clients, or causes after the  
6 lobbyist registers but before the first day of the  
7 next legislative session, the lobbyist shall file an  
8 amendment to the lobbyist's registration indicating the  
9 employer, client, or cause to be added and the date  
10 upon which the representation begins.

11 7. Amendments to a lobbyist's registration  
12 regarding changes which occur during the time that the  
13 general assembly is in session shall be filed within  
14 one working day after the date upon which the change in  
15 the lobbyist's representation becomes effective.

16 Rule 3

17 ELECTRONIC FILING

18 A lobbyist or client of a lobbyist required to  
19 file information with the chief clerk of the house  
20 or the secretary of the senate is required to make  
21 such filings in an electronic format as directed by  
22 the chief clerk of the house and the secretary of the  
23 senate.

24 Rule 4

25 LOBBYIST'S CLIENT REPORTING

26 1. Each lobbyist's client shall file the reports  
27 required under section 68B.38 with the chief clerk of  
28 the house or the secretary of the senate.

29 2. For purposes of this rule, and the report  
30 required under section 68B.38, "lobbying purposes"



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1 include but are not limited to the following:

2 a. Time spent by the lobbyist at the state capitol  
3 building commencing with the first day of a legislative  
4 session and ending with the day of final adjournment of  
5 each legislative session as indicated by the journals  
6 of the house and senate.

7 b. Time spent by the lobbyist attending meetings or  
8 hearings which results in the lobbyist communicating  
9 with members of the general assembly or legislative  
10 employees about current or proposed legislation.

11 c. Time spent by the lobbyist researching and  
12 drafting proposed legislation with the intent to submit  
13 the legislation to a member of the general assembly or  
14 a legislative employee.

15 d. Time spent by the lobbyist actually  
16 communicating with members of the general assembly  
17 and legislative employees about current or proposed  
18 legislation.

19 Rule 5

20 GOVERNMENT OFFICIALS — OPPOSITION LOBBYING

21 Federal, state, and local officials who wish to  
22 lobby in opposition to their departments, commissions,  
23 boards, or agencies must indicate such on their  
24 lobbyist registration statements.

25 Rule 6

26 PUBLIC ACCESS

27 All information filed by a lobbyist or a client  
28 of a lobbyist pursuant to chapter 68B of the Code is  
29 a public record and open to public inspection at any  
30 reasonable time.

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1 Rule 7

2 CHARGE ACCOUNTS

3 Lobbyists and clients of lobbyists shall not allow  
4 members to charge any amounts or items to a charge  
5 account to be paid for by those lobbyists or clients of  
6 lobbyists.

7 Rule 8

8 MEMBERSHIP CONTRIBUTIONS

9 A lobbyist or client of a lobbyist shall not  
10 pay for membership in or contributions to clubs or  
11 organizations on behalf of a member.

12 Rule 9

13 FEE OR BONUS PROHIBITED

14 A fee or bonus shall not be paid to any lobbyist  
15 with reference to any legislative action that is  
16 conditioned wholly or in part upon the results attained  
17 by the lobbyist.

18 Rule 10

19 OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY

20 1. A lobbyist, an employer or client of a lobbyist,  
21 or a political action committee shall not offer  
22 economic or investment opportunity or promise of  
23 employment to any member with intent to influence  
24 conduct in the performance of official duties.

25 2. A lobbyist shall not take action intended to  
26 negatively affect the economic interests of a member.  
27 For purposes of this rule, supporting or opposing a  
28 candidate for office or supporting or opposing a bill,  
29 amendment, or resolution shall not be considered to  
30 be action intended to negatively affect the economic

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1 interests of a member.

2 Rule 11

3 PERSONAL OR FINANCIAL OBLIGATION

4 A lobbyist shall not do anything with the purpose of  
5 placing a member under personal or financial obligation  
6 to a lobbyist or a lobbyist's principal or agent.

7 Rule 12

8 ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT

9 A lobbyist shall not cause or influence the  
10 introduction of any bill or amendment for the purpose  
11 of being employed to secure its passage or defeat.

12 Rule 13

13 CAMPAIGN SUPPORT

14 A lobbyist shall not influence or attempt to  
15 influence a member's actions by the promise of  
16 financial support for the member's candidacy or threat  
17 of financial support for an opposition candidate. A  
18 lobbyist shall not make a campaign contribution to a  
19 member or to a member's candidate's committee during  
20 the time that the general assembly is in session.

21 Rule 14

22 COMMUNICATION WITH MEMBER'S EMPLOYER PROHIBITED

23 A lobbyist shall not communicate with a member's  
24 employer for the purpose of influencing a vote of the  
25 member.

26 Rule 15

27 EXCESS PAYMENTS

28 A lobbyist shall not pay or agree to pay to a member  
29 a price, fee, compensation, or other consideration for  
30 the sale or lease of any property or the furnishing of

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1 services which is substantially in excess of that which  
2 other persons in the same business or profession would  
3 charge in the ordinary course of business.

4 Rule 16

5 PROHIBITION AGAINST GIFTS

6 1. A lobbyist or client of a lobbyist shall not,  
7 directly or indirectly, offer or make a gift or series  
8 of gifts to any member or full-time permanent employee  
9 of the house or senate or the immediate family members  
10 of a member or full-time permanent employee of the  
11 house or senate except as otherwise provided in section  
12 68B.22 of the Code. A lobbyist or client of a lobbyist  
13 who intends or plans to give a nonmonetary item, other  
14 than food or drink consumed in the presence of the  
15 donor, which does not have a readily ascertainable  
16 value, to a member or full-time permanent employee of  
17 the house or senate, prior to giving or sending the  
18 item to the member or employee, shall seek approval  
19 of the item from the chief clerk of the house or the  
20 secretary of the senate, as applicable. A lobbyist or  
21 client of a lobbyist who seeks approval of an item from  
22 the chief clerk of the house or the secretary of the  
23 senate shall submit the item and evidence of the value  
24 of the item at the time that approval is requested.

25 2. A lobbyist shall inform each of the lobbyist's  
26 clients of the requirements of section 68B.22 of the  
27 Code and of the responsibility to seek approval prior  
28 to giving or sending a nonmonetary item which does not  
29 have a readily ascertainable value to a member or a  
30 full-time permanent employee of the house or senate.

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1 Rule 17

2 FINANCIAL TRANSACTIONS

3 1. A lobbyist shall not, directly or indirectly,  
4 make a loan to a member or to an employee of the house  
5 or senate.

6 2. A loan prohibited under this section does not  
7 include a loan made in the ordinary course of business  
8 of a lobbyist if the primary business of the lobbyist  
9 is something other than lobbying, if consideration of  
10 equal or greater value is received by the lobbyist,  
11 and if fair market value is given or received for the  
12 benefit conferred.

13 Rule 18

14 HONORARIA — RESTRICTIONS

15 A lobbyist or client of a lobbyist shall not pay  
16 an honorarium to a member or employee of the house or  
17 senate for a speaking engagement or other formal public  
18 appearance in the official capacity of the member or  
19 employee except as otherwise provided in section 68B.23  
20 of the Code.

21 Rule 19

22 COMPLAINTS

23 The procedures for complaints and enforcement of  
24 these rules shall be the same as those provided in the  
25 house or senate code of ethics.

26 Rule 20

27 PROCEDURES AND FORMS

28 The chief clerk of the house and the secretary of  
29 the senate, subject to the approval of the house or  
30 senate ethics committee, as applicable, shall prescribe

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1 procedures for compliance with these rules, and shall  
2 prepare forms for the filing of complaints and make  
3 them available to any person.

4 Rule 21

5 EFFECTIVE PERIOD

6 These rules governing lobbyists and clients of  
7 lobbyists shall be in effect throughout the calendar  
8 year, whether or not the general assembly is in  
9 session.

10 Rule 22

11 ADDITIONAL RULES

12 The senate and the house of representatives may  
13 adopt rules relating to the activities of lobbyists in  
14 the senate rules and house rules that supplement these  
15 joint rules.

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House File 69 - Introduced

HOUSE FILE 69

BY LOFGREN

(COMPANION TO 1621SS BY BOWMAN)

A BILL FOR

1 An Act relating to the protection of students from concussions  
2 and other brain injuries.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1621YH (1) 85  
je/nh



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H.F. 69

1 Section 1. Section 280.13C, subsection 1, paragraph b, Code  
2 2013, is amended to read as follows:

3 b. Annually, each school district and nonpublic school shall  
4 provide to the parent or guardian of each student a concussion  
5 and brain injury information sheet, as provided by the Iowa  
6 high school athletic association and the Iowa girls high  
7 school athletic union. The student and the student's parent  
8 or guardian shall sign and return the concussion and brain  
9 injury information sheet to the student's school prior to the  
10 student's participation in any extracurricular interscholastic  
11 activity for grades ~~seven~~ six through twelve.

12 Sec. 2. Section 280.13C, subsection 1, Code 2013, is amended  
13 by adding the following new paragraph:

14 NEW PARAGRAPH. c. Annually, each school district and  
15 nonpublic school shall ensure that each coach has completed a  
16 basic course in the signs, symptoms, and behaviors consistent  
17 with concussions and other brain injuries as well as basic  
18 response protocols for concussions and other brain injuries.  
19 The basic course shall use materials available through a  
20 nationally recognized education program such as free online  
21 training offered for this purpose through the centers for  
22 disease control and prevention of the United States department  
23 of health and human services or similar training. Each school  
24 district and nonpublic school shall document compliance with  
25 this paragraph.

26 EXPLANATION

27 This bill requires each school district and nonpublic  
28 school to annually ensure that each coach has completed a  
29 basic course in the signs, symptoms, and behaviors consistent  
30 with concussions and other brain injuries as well as basic  
31 response protocols for concussions and other brain injuries.  
32 The bill provides that the basic course shall use materials  
33 available through a nationally recognized education program  
34 such as free online training offered for such purpose through  
35 the centers for disease control and prevention of the United

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H.F. 69

1 States department of health and human services or similar  
2 training. The bill requires each district and nonpublic school  
3 to document compliance with the bill.

4 The bill also provides that an existing requirement that  
5 a student and the student's parent or guardian sign and  
6 return a concussion and brain injury information sheet to the  
7 student's school prior to the student's participation in any  
8 extracurricular interscholastic activity for grades 7-12 also  
9 applies to grade six.



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House File 70 - Introduced

HOUSE FILE 70  
BY RIDING

A BILL FOR

1 An Act providing for small business eligibility to qualify for  
2 and obtain specified energy-related financial assistance.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1658HH (3) 85  
rn/sc





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H.F. 70

1 Section 1. Section 473.19, subsections 1 and 2, Code 2013,  
2 are amended to read as follows:

3 1. The building energy management program is established  
4 by the authority. The building energy management program  
5 consists of the following forms of assistance for the state,  
6 state agencies, political subdivisions of the state, school  
7 districts, area education agencies, community colleges, ~~and~~  
8 nonprofit organizations, and small businesses:

9 a. Promoting program availability.

10 b. Developing or identifying guidelines and model energy  
11 techniques for the completion of energy analyses for state  
12 agencies, political subdivisions of the state, school  
13 districts, area education agencies, community colleges, ~~and~~  
14 nonprofit organizations, and small businesses.

15 c. Providing technical assistance for conducting or  
16 evaluating energy analyses for state agencies, political  
17 subdivisions of the state, school districts, area education  
18 agencies, community colleges, ~~and~~ nonprofit organizations, and  
19 small businesses.

20 d. Providing or facilitating loans, leases, and other  
21 methods of alternative financing under the energy loan program  
22 for the state, state agencies, political subdivisions of the  
23 state, school districts, area education agencies, community  
24 colleges, ~~and~~ nonprofit organizations, and small businesses to  
25 implement energy management improvements or energy analyses.

26 e. Providing assistance for obtaining insurance on the  
27 energy savings expected to be realized from the implementation  
28 of energy management improvements.

29 f. Facilitating self-liquidating financing for the state,  
30 state agencies, political subdivisions of the state, school  
31 districts, area education agencies, community colleges, ~~and~~  
32 nonprofit organizations, and small businesses pursuant to  
33 section 473.20A.

34 g. Assisting the treasurer of state with financing  
35 agreements entered into by the treasurer of state on behalf

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1 of state agencies to finance energy management improvements  
2 pursuant to section 12.28.

3 2. For the purpose of this section, section 473.13A,  
4 473.19A, section 473.20, and section 473.20A, "*energy management*  
5 *improvement*" means construction, rehabilitation, acquisition,  
6 or modification of an installation in a facility or vehicle  
7 which is intended to reduce energy consumption, or energy  
8 costs, or both, or allow the use of alternative and renewable  
9 energy. "*Energy management improvement*" may include control  
10 and measurement devices. "*Nonprofit organization*" means an  
11 organization exempt from federal income taxation under section  
12 501(c)(3) of the Internal Revenue Code. "*Small business*" means  
13 the same as defined in section 15.102, subsection 10.

14 Sec. 2. Section 473.19A, subsection 2, paragraph b,  
15 subparagraph (1), unnumbered paragraph 1, Code 2013, is amended  
16 to read as follows:

17 Moneys received in the form of fees imposed upon the state,  
18 state agencies, political subdivisions of the state, school  
19 districts, area education agencies, community colleges, ~~and~~  
20 nonprofit organizations, and small businesses for services  
21 performed or assistance rendered pursuant to the building  
22 energy management program. Fees imposed pursuant to this  
23 paragraph "*b*" shall be established by the authority in an amount  
24 corresponding to the operational expenses or administrative  
25 costs incurred by the authority in performing services or  
26 providing assistance authorized pursuant to the building energy  
27 management program, as follows:

28 Sec. 3. Section 473.20, subsection 2, Code 2013, is amended  
29 to read as follows:

30 2. The authority may facilitate the loan process for  
31 political subdivisions of the state, school districts,  
32 area education agencies, community colleges, ~~and~~ nonprofit  
33 organizations, and small businesses for implementation  
34 of energy management improvements identified in an energy  
35 analysis. Loans shall be facilitated for all cost-effective

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1 energy management improvements. For political subdivisions of  
2 the state, school districts, area education agencies, community  
3 colleges, ~~and~~ nonprofit organizations, and small businesses to  
4 receive loan assistance under the program, the authority shall  
5 require completion of an energy management plan including an  
6 energy analysis. The authority shall approve loans facilitated  
7 under this section.

8 Sec. 4. Section 473.20A, Code 2013, is amended to read as  
9 follows:

10 **473.20A Self-liquidating financing.**

11 1. a. The authority may facilitate financing agreements  
12 that may be entered into with political subdivisions of the  
13 state, school districts, area education agencies, community  
14 colleges, ~~or~~ nonprofit organizations, or small businesses  
15 to finance the costs of energy management improvements on a  
16 self-liquidating basis. The provisions of section 473.20  
17 defining eligible energy management improvements apply to  
18 financings under this section.

19 b. The financing agreement may contain provisions, including  
20 interest, term, and obligations to make payments on the  
21 financing agreement beyond the current budget year, as may  
22 be acceptable to political subdivisions of the state, school  
23 districts, area education agencies, community colleges, ~~or~~  
24 nonprofit organizations, or small businesses.

25 c. The authority shall assist the treasurer of state with  
26 financing agreements entered into by the treasurer of state on  
27 behalf of state agencies pursuant to section 12.28 to finance  
28 energy management improvements being implemented by state  
29 agencies.

30 2. Political subdivisions of the state, school districts,  
31 area education agencies, community colleges, ~~and~~ nonprofit  
32 organizations, and small businesses may enter into financing  
33 agreements and issue obligations necessary to carry out the  
34 provisions of the chapter. Chapter 75 shall not be applicable.

35

EXPLANATION

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1 This bill makes small businesses eligible to apply for  
2 and obtain specified forms of financing for energy-related  
3 improvements contained in Code chapter 473.

4 The bill defines a "small business" by reference to the  
5 definition of small business contained in Code section 15.102,  
6 subsection 10. That definition states that a "small business"  
7 means any enterprise which is located in Iowa, which is  
8 operated for profit and under a single management, and which  
9 has either fewer than 20 employees or an annual gross income  
10 of less than \$4 million computed as the average of the three  
11 preceding fiscal years. The definition specifically states  
12 it does not apply to any program or activity for which a  
13 definition for small business is provided for the program or  
14 activity by federal law or regulation or other state law.

15 The bill adds small businesses to a list of entities  
16 currently eligible to obtain technical assistance and loan  
17 facilitation pursuant to the building energy management  
18 program and related provisions established by the economic  
19 development authority in Code sections 473.19, 473.19A,  
20 473.20, and 473.20A. The list includes the state of Iowa,  
21 state agencies, political subdivisions of the state, school  
22 districts, area education agencies, community colleges, and  
23 nonprofit organizations. The bill makes conforming changes  
24 where appropriate throughout the Code sections. The bill  
25 additionally makes small businesses subject to fees imposed  
26 for services performed or assistance rendered pursuant to the  
27 program.



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House File 71 - Introduced

HOUSE FILE 71  
BY HEDDENS

A BILL FOR

1 An Act providing for standardized provisions and format and a  
2 consumer guide for long-term care insurance policies and  
3 including applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1384YH (1) 85  
av/nh



Iowa General Assembly  
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H.F. 71

1 Section 1. Section 514G.105, Code 2013, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 5A. *Standard provisions and format.*

4 a. The commissioner shall adopt rules establishing standard  
5 provisions for terms and benefits required to be included in a  
6 long-term care insurance policy advertised, marketed, offered,  
7 delivered, or issued for delivery in this state. The rules  
8 shall establish a standard format for such long-term care  
9 insurance policies to facilitate ease of comparison of the  
10 various policies by consumers.

11 b. The commissioner shall review each policy of long-term  
12 care insurance prior to the policy being advertised, marketed,  
13 offered, delivered, or issued for delivery in this state to  
14 ensure that the policy complies with the requirements of this  
15 subsection and rules adopted pursuant to this subsection.

16 NEW SUBSECTION. 7A. *Consumer guide.*

17 a. A consumer guide, as prescribed by the commissioner  
18 by rule, shall be delivered to a prospective applicant  
19 for long-term care insurance at the time of the initial  
20 solicitation for coverage.

21 (1) In the case of producer solicitations, a producer shall  
22 deliver the consumer guide to a prospective applicant prior to  
23 the presentation of an application or enrollment form.

24 (2) In the case of direct response solicitations, the  
25 consumer guide shall be presented in conjunction with any  
26 application or enrollment form.

27 (3) In the case of a policy issued to a group as described  
28 in section 514G.103, subsection 9, paragraph "a", a consumer  
29 guide is not required to be delivered to the applicant,  
30 provided that the information described in paragraph "b" of this  
31 subsection is contained in other enrollment materials provided.  
32 Upon request such other enrollment materials shall be made  
33 available to the commissioner.

34 b. The consumer guide shall include a description of the  
35 standard terms, benefits, and format required for a long-term

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1 care insurance policy in this state. The commissioner of  
2 insurance may by reference adopt or permit the use of the  
3 long-term care insurance consumer guide developed by the  
4 national association of insurance commissioners, the blue  
5 cross and blue shield association, or the health insurance  
6 association of America, provided that the consumer guide that  
7 is adopted or permitted to be used by reference meets all of  
8 the requirements of this subsection.

9 Sec. 2. APPLICABILITY. This Act applies to long-term care  
10 insurance policies advertised, marketed, offered, delivered, or  
11 issued for delivery in this state on or after July 1, 2013.

12 EXPLANATION

13 This bill requires the commissioner of insurance to adopt  
14 rules establishing standard provisions for terms and benefits  
15 required to be included in a long-term care insurance policy  
16 advertised, marketed, offered, delivered, or issued for  
17 delivery in this state. The rules must establish a standard  
18 format for such policies so that consumers can easily compare  
19 the various policies offered. The commissioner is required to  
20 review each policy of long-term care insurance to ensure that  
21 the policy complies with these requirements.

22 The bill also requires the commissioner to adopt rules  
23 concerning a consumer guide to be delivered to prospective  
24 applicants for long-term care insurance at the time of  
25 solicitation, application, or enrollment. The guide must  
26 include a description of the required standard terms, benefits,  
27 and format in long-term care insurance policies in this state.  
28 The commissioner may by reference adopt or permit the use  
29 of a consumer guide developed by the national association  
30 of insurance commissioners, the blue cross and blue shield  
31 association, or the health insurance association of America, so  
32 long as the guide meets all the requirements of the bill.

33 The bill is applicable to long-term care insurance policies  
34 advertised, marketed, offered, delivered, or issued for  
35 delivery in this state on or after July 1, 2013.

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House File 72 - Introduced

HOUSE FILE 72  
BY BALTIMORE

A BILL FOR

1 An Act providing for an exception to municipal tort liability  
2 for claims arising from sledding on municipality-controlled  
3 property.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 72

1 Section 1. Section 670.4, subsections 14 and 15, Code 2013,  
2 are amended to read as follows:

3 14. Any claim based upon or arising out of a claim of  
4 negligent design or specification, negligent adoption of design  
5 or specification, or negligent construction or reconstruction  
6 of a public facility designed for purposes of skateboarding,  
7 in-line skating, bicycling, unicycling, scootering, river  
8 rafting, canoeing, ~~or~~ kayaking, or sledding that was  
9 constructed or reconstructed, reasonably and in good faith,  
10 in accordance with generally recognized engineering or safety  
11 standards or design theories in existence at the time of the  
12 construction or reconstruction.

13 15. Any claim based upon or arising out of an act or  
14 omission of an officer or employee of the municipality or  
15 the municipality's governing body by a person skateboarding,  
16 in-line skating, bicycling, unicycling, scootering, river  
17 rafting, canoeing, ~~or~~ kayaking, or sledding on public property  
18 when the person knew or reasonably should have known that  
19 the skateboarding, in-line skating, bicycling, unicycling,  
20 scootering, river rafting, canoeing, ~~or~~ kayaking, or sledding  
21 created a substantial risk of injury to the person and was  
22 voluntarily in the place of risk. The exemption from liability  
23 contained in this subsection shall only apply to claims for  
24 injuries or damage resulting from the risks inherent in the  
25 activities of skateboarding, in-line skating, bicycling,  
26 unicycling, scootering, river rafting, canoeing, ~~or~~ kayaking,  
27 or sledding.

28 EXPLANATION

29 This bill provides an exemption from liability regarding a  
30 municipality's negligent design or specification, or negligent  
31 construction or reconstruction of a public facility designed  
32 for sledding purposes that was constructed or reconstructed  
33 in accordance with generally recognized engineering or safety  
34 standards or design theories.

35 The bill also provides an exemption from liability for

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1 municipalities relating to claims based upon acts or omissions  
2 of an officer or employee of the municipality by a person  
3 engaged in sledding when the person knew or reasonably should  
4 have known that the sledding created a substantial risk of  
5 injury and the person was acting voluntarily.  
6 A municipality in Code chapter 670 is defined as a city,  
7 county, township, school district, or other unit of local  
8 government.



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House File 73 - Introduced

HOUSE FILE 73  
BY WINDSCHITL

A BILL FOR

1 An Act relating to optional permits to acquire firearms and to  
2 permits to carry weapons and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1503YH (3) 85  
rh/rj



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H.F. 73

1 Section 1. Section 724.11A, Code 2013, is amended to read  
2 as follows:

3 **724.11A Recognition.**

4 A valid permit or license issued by another state to any  
5 nonresident of this state shall be considered to be a valid  
6 permit or license to carry weapons issued pursuant to this  
7 chapter, except that such permit or license shall not be  
8 considered to be a substitute for ~~an annual~~ a permit to acquire  
9 ~~pistols or revolvers~~ firearms issued pursuant to section  
10 724.15.

11 Sec. 2. Section 724.15, Code 2013, is amended by striking  
12 the section and inserting in lieu thereof the following:

13 **724.15 Optional permit to acquire firearms.**

14 1. It is the purpose of this section to provide for a permit  
15 to acquire firearms that will satisfy the requirements of 18  
16 U.S.C. § 922(t)(3) to allow the holder of such a permit to  
17 acquire firearms from a federally licensed firearms dealer. A  
18 person is not required to obtain a permit to acquire firearms  
19 under this section if the person possesses a valid permit to  
20 carry weapons issued in accordance with this chapter or if the  
21 person has otherwise completed a satisfactory national instant  
22 criminal background check required pursuant to 18 U.S.C. §  
23 922(t).

24 2. Any person who desires to acquire ownership of firearms  
25 may obtain a permit to acquire firearms pursuant to this  
26 section. However, a permit to acquire firearms shall not be  
27 issued to a person who is subject to any of the following:

28 a. Is under twenty-one years of age.

29 b. Is prohibited by section 724.26 or federal law from  
30 possessing, shipping, transporting, or receiving a firearm.

31 c. Is prohibited by court order from possessing, shipping,  
32 transporting, or receiving a firearm.

33 3. A permit to acquire firearms shall authorize the permit  
34 holder to acquire one or more firearms, without limitation,  
35 from a federally licensed firearms dealer during the period the

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1 permit remains valid pursuant to section 724.20.

2 4. An issuing officer who finds that a person issued  
3 a permit to acquire firearms under this chapter has been  
4 arrested for a disqualifying offense or who is the subject of  
5 proceedings that could lead to the person's ineligibility for  
6 such permit may immediately suspend such permit. An issuing  
7 officer proceeding under this subsection shall immediately  
8 notify the permit holder of the suspension by personal service  
9 or certified mail on a form prescribed and published by the  
10 commissioner of public safety and the suspension shall become  
11 effective upon the permit holder's receipt of such notice. If  
12 the suspension is based on an arrest or a proceeding that does  
13 not result in a disqualifying conviction or finding against  
14 the permit holder, the issuing officer shall immediately  
15 reinstate the permit upon receipt of proof of the matter's  
16 final disposition. If the arrest leads to a disqualifying  
17 conviction or the proceedings to a disqualifying finding, the  
18 issuing officer shall revoke the permit. The issuing officer  
19 may also revoke the permit of a person whom the issuing officer  
20 later finds was not qualified for such a permit at the time of  
21 issuance or who the officer finds provided materially false  
22 information on the permit application. A person aggrieved by a  
23 suspension or revocation under this subsection may seek review  
24 of the decision pursuant to section 724.21A.

25 Sec. 3. Section 724.16, Code 2013, is amended by striking  
26 the section and inserting in lieu thereof the following:

27 **724.16 Prohibited transfers of firearms.**

28 A person who transfers ownership of a firearm to a person  
29 that the transferor knows is prohibited by section 724.26 from  
30 possessing, shipping, transporting, or receiving a firearm  
31 commits a class "D" felony.

32 Sec. 4. Section 724.17, Code 2013, is amended to read as  
33 follows:

34 **724.17 Application for annual permit to acquire firearms —**  
35 **criminal history check required.**

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1     1. The application for an ~~annual~~ a permit to acquire ~~pistols~~  
2     ~~or revolvers~~ firearms may be made to the sheriff of the county  
3     of the applicant's residence and shall be on a form prescribed  
4     and published by the commissioner of public safety.  
5     a. ~~The~~ If an applicant is a United States citizen, the  
6     application shall require only the full name of the applicant,  
7     the driver's license or nonoperator's identification card  
8     number of the applicant, the residence of the applicant, and  
9     the date and place of birth of the applicant.  
10    b. If the applicant is not a United States citizen, the  
11    application shall, in addition to the information specified in  
12    paragraph "a", require the applicant's country of citizenship,  
13    any alien or admission number issued by the United States  
14    immigration and customs enforcement or any successor agency,  
15    and, if applicable, the basis for any exception claimed  
16    pursuant to 18 U.S.C. § 922(y).  
17    c. The applicant shall also display an identification card  
18    that bears a distinguishing number assigned to the cardholder,  
19    the full name, date of birth, sex, residence address, and brief  
20    description and colored photograph of the cardholder, or other  
21    identification as specified by rule of the department of public  
22    safety.  
23    2. The sheriff shall conduct a criminal history check  
24    concerning each applicant by obtaining criminal history data  
25    from the department of public safety which shall include an  
26    inquiry of the national instant criminal background system  
27    maintained by the federal bureau of investigation or any  
28    successor agency and an immigration alien query through a  
29    database maintained by the United States immigration and  
30    customs enforcement or any successor agency if the applicant  
31    is not a United States citizen.  
32    3. A person who makes what the person knows to be a false  
33    statement of material fact on an application submitted under  
34    this section or who submits what the person knows to be any  
35    materially falsified or forged documentation in connection with

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1 such an application commits a class "D" felony.

2 Sec. 5. Section 724.18, Code 2013, is amended by striking  
3 the section and inserting in lieu thereof the following:

4 **724.18 Procedure for making application for permit to acquire**  
5 **firearms.**

6 1. A person may personally request the sheriff to mail an  
7 application for a permit to acquire firearms, and the sheriff  
8 shall immediately forward such application to the person. The  
9 person shall personally deliver such a completed application  
10 to the sheriff who, upon successful completion of the criminal  
11 history check and immigration alien query, if applicable,  
12 required pursuant to section 724.17, shall note the period of  
13 validity on the application and immediately issue the permit  
14 to the applicant.

15 2. For the purposes of this section, the date of application  
16 shall be the date on which the sheriff received the completed  
17 application.

18 Sec. 6. Section 724.19, Code 2013, is amended to read as  
19 follows:

20 **724.19 Issuance of ~~annual~~ permit to acquire firearms.**

21 The ~~annual~~ permit to acquire ~~pistols or revolvers~~ firearms  
22 shall be issued to the applicant immediately upon completion  
23 of the application unless the applicant is disqualified under  
24 the provisions of section 724.15 ~~and~~. The permit shall be on a  
25 form have a uniform appearance, size, and content prescribed  
26 and published by the commissioner of public safety. The permit  
27 shall contain the name of the permittee, the residence of the  
28 permittee, and the effective date of the permit, but shall not  
29 contain the permittee's social security number. The permit may  
30 be laminated by the issuing officer or the permit holder. Such  
31 a permit shall not be issued for a particular weapon and shall  
32 not contain information about a particular weapon including the  
33 make, model, or serial number of the weapon, or any ammunition  
34 used in that weapon.

35 Sec. 7. Section 724.20, Code 2013, is amended to read as

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1 follows:

2 724.20 Validity of ~~annual~~ permit to acquire ~~pistols or~~  
3 ~~revolvers~~ firearms.

4 The permit shall be valid throughout the state and shall be  
5 ~~valid three days after the date of application and shall be~~  
6 ~~invalid one year~~ five years after the date of application.

7 Sec. 8. Section 724.21, Code 2013, is amended to read as  
8 follows:

9 724.21 Giving false information when acquiring ~~weapon~~  
10 firearms.

11 A person who gives a false name or presents false  
12 identification, or otherwise knowingly gives false material  
13 information to one from whom the person seeks to acquire a  
14 ~~pistol or revolver~~ firearm, commits a class "D" felony.

15 Sec. 9. Section 724.21A, subsections 1, 5, and 7, Code 2013,  
16 are amended to read as follows:

17 1. In any case where the sheriff or the commissioner of  
18 public safety denies an application for or suspends or revokes  
19 a permit to carry weapons or ~~an annual~~ a permit to acquire  
20 ~~pistols or revolvers~~ firearms, the sheriff or commissioner  
21 shall provide a written statement of the reasons for the  
22 denial, suspension, or revocation and the applicant or permit  
23 holder shall have the right to appeal the denial, suspension,  
24 or revocation to an administrative law judge in the department  
25 of inspections and appeals within thirty days of receiving  
26 written notice of the denial, suspension, or revocation.

27 5. The standard of review under this section shall be  
28 ~~clear and convincing evidence~~ that the issuing officer's  
29 written statement of the reasons for the denial, suspension, or  
30 revocation constituted ~~probable cause to deny an application~~  
31 ~~or to suspend or revoke a permit~~ clear and convincing evidence  
32 that, as of the date of the adverse decision, the applicant  
33 or permit holder, under the applicable standards set forth in  
34 this chapter, was ineligible for a permit to carry weapons or a  
35 permit to acquire firearms, is subject to prosecution or any





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1 other proceeding that could result in the applicant or permit  
2 holder becoming ineligible for a permit to carry weapons or  
3 a permit to acquire firearms, or provided materially false  
4 information or documentation in conjunction with either permit  
5 application.

6 7. In any case where the issuing officer denies an  
7 application for, or suspends or revokes a permit to carry  
8 weapons or ~~an annual~~ a permit to acquire ~~pistols or revolvers~~  
9 firearms solely because of an adverse determination by  
10 the national instant criminal background check system, the  
11 applicant or permit holder shall not seek relief under this  
12 section but may pursue relief of the national instant criminal  
13 background check system determination pursuant to Pub. L. No.  
14 103-159, sections 103(f) and (g) and 104 and 28 C.F.R. § 25.10,  
15 or other applicable law. The outcome of such proceedings shall  
16 be binding on the issuing officer.

17 Sec. 10. Section 724.27, subsection 1, unnumbered paragraph  
18 1, Code 2013, is amended to read as follows:

19 The provisions of section 724.8, section 724.15, subsection  
20 ~~1~~ 2, and section 724.26 shall not apply to a person who is  
21 eligible to have the person's civil rights regarding firearms  
22 restored under section 914.7 if any of the following occur:

23 EXPLANATION

24 This bill relates to optional permits to acquire firearms  
25 and to permits to carry weapons and provides a penalty.

26 PERMITS TO ACQUIRE FIREARMS. Current law provides that  
27 any person who intends to purchase a pistol or revolver is  
28 required to first obtain an annual permit to acquire pistols  
29 or revolvers unless the person is otherwise exempt from  
30 obtaining such a permit. The bill eliminates this type of  
31 mandatory permit and provides instead for an optional permit  
32 to acquire firearms in order to satisfy the requirements of  
33 federal law allowing the holder of such a permit to acquire  
34 firearms from a federally licensed firearms dealer. A person  
35 is not required to obtain a permit to acquire firearms to

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1 purchase firearms from a federally licensed firearms dealer if  
2 the person possesses a valid permit to carry weapons issued  
3 in accordance with Iowa law or if the person has otherwise  
4 completed a satisfactory national instant criminal background  
5 check required by federal law to purchase firearms from a  
6 federally licensed firearms dealer.

7 Under the bill, a person who applies for a permit to acquire  
8 firearms is not eligible for the permit if the person is less  
9 than 21 years of age or is prohibited by Code section 724.26  
10 (felon in possession of a firearm), federal law, or court  
11 order from possessing, shipping, transporting, or receiving a  
12 firearm.

13 The bill provides that an application for a permit to  
14 acquire firearms is made to the sheriff of the county of the  
15 applicant's residence. An applicant who is a United States  
16 citizen is only required to provide certain basic identifying  
17 documentation. An applicant who is not a United States  
18 citizen must provide additional information and is subject to  
19 an immigration alien query through a database maintained by  
20 the United States immigration and customs enforcement. All  
21 applicants are subject to a criminal history background check.

22 The permit to acquire firearms is required to be issued to  
23 the applicant immediately upon completion of the application  
24 unless the applicant is disqualified. The permit shall have a  
25 uniform appearance, size, and content, but shall not contain  
26 the permittee's social security number. The permit may be  
27 laminated by the issuing officer or the permit holder. Such  
28 permits shall not be issued for a particular weapon and shall  
29 not contain information about a particular weapon including the  
30 make, model, or serial number of the weapon, or any ammunition  
31 used in that weapon.

32 The bill provides that the permit to acquire firearms may be  
33 suspended or revoked by the issuing officer and the aggrieved  
34 permit holder may file an appeal with an administrative law  
35 judge.

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1 The bill provides that a person who makes what the  
2 person knows to be a false statement of material fact on an  
3 application for a permit to acquire firearms or who submits  
4 what the person knows to be any materially falsified or forged  
5 documentation in connection with such an application commits  
6 a class "D" felony. A person who transfers ownership of a  
7 firearm to a person that the transferor knows is prohibited  
8 under Code section 724.26 (felon in possession of a firearm)  
9 from possessing, shipping, transporting, or receiving a firearm  
10 commits a class "D" felony.

11 The bill makes a conforming change to Code section 724.27  
12 relating to the restoration of firearms rights.

13 DENIAL, SUSPENSION, OR REVOCATION—PERMIT TO CARRY WEAPONS  
14 AND PERMIT TO ACQUIRE FIREARMS. The bill provides that, in a  
15 case where an issuing officer denies, suspends, or revokes a  
16 permit to carry weapons or a permit to acquire firearms, the  
17 clear and convincing evidence standard of review must show  
18 that, as of the date of the adverse decision, the applicant or  
19 permit holder was ineligible for a permit to carry weapons or a  
20 permit to acquire firearms, is subject to prosecution or any  
21 other proceeding that could result in the applicant or permit  
22 holder becoming ineligible for a permit to carry weapons or  
23 a permit to acquire firearms, or provided materially false  
24 information or documentation in conjunction with either permit  
25 application.



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House File 74 - Introduced

HOUSE FILE 74

BY WINDSCHITL and HIGHFILL

A BILL FOR

1 An Act relating to the regulation of firearms and ammunition in  
2 a state of public emergency and providing a remedy.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 74

1 Section 1. Section 29C.3, subsection 4, paragraph e, Code  
2 2013, is amended by striking the paragraph.

3 Sec. 2. Section 29C.6, subsection 16, Code 2013, is amended  
4 to read as follows:

5 16. Suspend or limit the sale, dispensing, or  
6 transportation of alcoholic beverages, ~~firearms~~, explosives,  
7 and combustibles.

8 Sec. 3. NEW SECTION. **29C.23 Firearms and ammunition —**  
9 **limitations — exceptions — remedies.**

10 1. This chapter shall not be construed to authorize the  
11 governor or any other official of this state or any of its  
12 political subdivisions or any agent or person acting at the  
13 direction of the governor or any such official to do any of the  
14 following:

15 a. Prohibit, regulate, or curtail the otherwise lawful  
16 possession, carrying, transportation, transfer, or defensive  
17 use of firearms or ammunition.

18 b. Suspend or revoke, except in accordance with section  
19 724.13, a permit issued pursuant to section 724.6, 724.7, or  
20 724.15.

21 c. Seize or confiscate firearms and ammunition possessed in  
22 accordance with the laws of this state.

23 2. This section shall not prohibit any of the following:

24 a. The temporary closure or limitations on the operating  
25 hours of businesses that sell firearms or ammunition if the  
26 same operating restrictions apply to all businesses in the  
27 affected area.

28 b. Regulations pertaining to firearms and ammunition used  
29 or carried for official purposes by law enforcement officers  
30 or persons acting under the authority of emergency management  
31 agencies or officials.

32 3. a. A person aggrieved by a violation of this section  
33 may seek relief in an action at law or in equity or in any  
34 other proper proceeding for actual damages, injunctive relief,  
35 or other appropriate redress against a person who commits or

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1 causes the commission of such violation.

2     **b.** In addition to any other remedy available at law or in  
3 equity, a person aggrieved by the seizure or confiscation of  
4 a firearm or ammunition in violation of this section may make  
5 application for its return in the office of the clerk of court  
6 for the county in which the property was seized pursuant to  
7 section 809.3.

8     **c.** In an action or proceeding to enforce this section, the  
9 court shall award the prevailing plaintiff reasonable court  
10 costs and attorney fees.

11                                   EXPLANATION

12     This bill relates to the regulation of firearms and  
13 ammunition in a state of public emergency.

14     The bill provides that Code chapter 29C, relating to a  
15 public disorder or disaster emergency proclamation by the  
16 governor, shall not be construed to authorize the governor  
17 or any other official of this state or any of its political  
18 subdivisions acting at the direction of the governor or other  
19 official to prohibit, regulate, or curtail the otherwise lawful  
20 possession, carrying, transportation, transfer, or defensive  
21 use of firearms or ammunition; to suspend or revoke, except  
22 as otherwise authorized, a permit to carry weapons issued  
23 pursuant to Code section 724.6 or 724.7 or a permit to acquire  
24 pistols or revolvers issued pursuant to Code section 724.15;  
25 or to seize or confiscate firearms or ammunition possessed in  
26 accordance with state law.

27     The bill does not prohibit the temporary closure or  
28 limitations on the operating hours of businesses that sell  
29 firearms or ammunition if the same operating restrictions  
30 apply to all businesses in the affected area or regulations  
31 pertaining to firearms used or carried for official purposes by  
32 law enforcement officers or persons acting under the authority  
33 of emergency management agencies or officials.

34     The bill allows a person aggrieved by a violation under  
35 the bill to seek relief in an action at law or in equity or

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1 in any other proper proceeding for actual damages, injunctive  
2 relief, or other appropriate redress, including court costs  
3 and attorney fees, against a person who commits or causes  
4 the commission of such violation. In addition to any other  
5 remedy available at law or in equity, a person aggrieved by  
6 the seizure or confiscation of a firearm or ammunition in  
7 violation of the bill may file an application for its return  
8 in the office of the clerk of court for the county in which the  
9 property was seized pursuant to Code section 809.3.

10 The bill makes conforming changes to Code sections 29C.3 and  
11 29C.6 relating to the governor's authority under current law to  
12 prohibit the possession of firearms or any other deadly weapon  
13 by a person other than at that person's place of residence  
14 or business and to suspend or limit the sale, dispensing, or  
15 transportation of firearms.



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House File 75 - Introduced

HOUSE FILE 75  
BY WINDSCHITL

A BILL FOR

1 An Act relating to the disposition of legal firearms and  
2 ammunition seized by a law enforcement agency.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rh/rj





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H.F. 75

1 Section 1. Section 809.5, subsection 1, paragraph f,  
2 subparagraph (3), Code 2013, is amended to read as follows:  
3 (3) Notwithstanding subparagraph (2), firearms or  
4 ~~ammunition with an aggregate fair market value equal to or~~  
5 ~~less than five hundred dollars shall be deposited with the~~  
6 ~~department of public safety. The firearms or ammunition may~~  
7 ~~be held by the department of public safety and~~ seizing agency  
8 shall be used for law enforcement, testing, or comparisons  
9 by the criminalistics laboratory of the department of public  
10 safety, or may be destroyed, or disposed of by the department  
11 of public safety in accordance with seizing agency using the  
12 same rules and procedures established in section 809.21,  
13 subsection 2.  
14 Sec. 2. Section 809.21, Code 2013, is amended to read as  
15 follows:  
16 **809.21 Sale of certain ammunition and firearms.**  
17 1. Ammunition and firearms seized by the department of  
18 public safety which are not illegal and which are not offensive  
19 weapons as defined by section 724.1 may be sold by the  
20 department of public safety at public auction. The firearms or  
21 ammunition may also be held by the department of public safety  
22 and used for law enforcement, testing, or comparisons by the  
23 criminalistics laboratory, or destroyed, or disposed of in  
24 accordance with this section. The department of public safety  
25 may sell at public auction forfeited legal weapons received  
26 from the director of the department of natural resources,  
27 except that rifles and shotguns shall be retained by the  
28 department of natural resources for disposal according to its  
29 rules.  
30 2. The sale of ammunition or firearms which are not illegal  
31 and which are not offensive weapons as defined by section  
32 724.1, pursuant to this section shall be made only to federally  
33 licensed firearms dealers or to persons who have a permit  
34 to purchase the firearms. Persons who have not obtained a  
35 permit may bid on firearms at the public auction. However,

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rh/rj

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1 persons who bid without a permit must post a ~~fifty percent of~~  
2 ~~purchase price~~ fifty-percent-of-purchase-price deposit with the  
3 commissioner of public safety on any winning bid. No transfer  
4 of firearms may be made to a person bidding without a permit  
5 until such time as the person has obtained a permit. If the  
6 person is unable to produce a permit within two weeks from the  
7 date of the auction, the person shall forfeit the ~~fifty percent~~  
8 fifty-percent deposit to the department of public safety. All  
9 proceeds of a public auction ~~pursuant to this section~~ conducted  
10 by the department, less department expenses reasonably  
11 incurred, shall be deposited in the general fund of the state.  
12 The department of public safety shall be reimbursed from the  
13 proceeds for the reasonable expenses incurred in selling the  
14 property at the auction.

15 Sec. 3. Section 809A.17, subsection 5, paragraph b, Code  
16 2013, is amended to read as follows:

17 b. Forfeited property which is a weapon or ammunition  
18 shall be deposited with the ~~department of public safety to be~~  
19 ~~disposed of in accordance with the rules of the department~~  
20 seizing agency. All weapons or ammunition may be held  
21 for use in law enforcement, testing, or comparison by the  
22 criminalistics laboratory, or destroyed. Ammunition and  
23 firearms which are not illegal and are not offensive weapons  
24 as defined by section 724.1 may be sold by the ~~department as~~  
25 provided seizing agency using the same rules and procedures in  
26 section 809.21, subsection 2.

27 EXPLANATION

28 This bill relates to the disposition of legal firearms and  
29 ammunition seized by a law enforcement agency.

30 Current law requires that all abandoned, seized firearms  
31 and ammunition with an aggregate value of less \$500 be  
32 transferred to the department of public safety for use in law  
33 enforcement, testing, or for comparisons by the criminalistics  
34 laboratory, or destroyed, or sold at public auction pursuant  
35 to Code section 809.21. If the value of a seized firearm or

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1 ammunition is greater than \$500 in the aggregate, Code section  
2 809.5(1)(f)(1) requires the property to be forfeited pursuant  
3 to the procedures established in Code chapter 809A.

4 Under the bill, a law enforcement agency that seizes a  
5 firearm or ammunition becomes the owner of the firearm or  
6 ammunition, if the aggregate value of the firearm or ammunition  
7 is less than or equal to \$500 and the firearm or ammunition  
8 is deemed abandoned pursuant to Code section 809.5. The bill  
9 further provides that the seizing agency may use the firearm or  
10 ammunition for law enforcement or testing, or loan or transfer  
11 the firearm or ammunition to the department of public safety  
12 for comparisons by the criminalistics laboratory, or destroy  
13 the firearm or ammunition, or sell the firearm or ammunition  
14 pursuant to the rules and procedures established in newly  
15 designated Code section 809.21(2).

16 Current law requires all forfeited weapons and ammunition  
17 with an aggregate value of more than \$500 to be transferred to  
18 the department of public safety for use in law enforcement,  
19 testing, or used for comparisons by the criminalistics  
20 laboratory, to be destroyed, or to be disposed of pursuant to  
21 the procedures established in Code section 809A.17(5)(b).

22 The bill requires forfeited firearms or ammunition to be  
23 transferred to the seizing agency. The bill further provides  
24 that the seizing agency may use a forfeited firearm or  
25 ammunition for law enforcement, testing, or loan or transfer  
26 to the department of public safety for comparisons by the  
27 criminalistics laboratory, or that the firearm or ammunition  
28 be destroyed, or disposed of pursuant to the procedures  
29 established for the department of public safety in newly  
30 designated Code section 809.21(2).

31 The bill does not restrict the use of the proceeds from  
32 the sale of seized firearms or ammunition by a local law  
33 enforcement agency. Current law and the bill provide that  
34 the proceeds from the sale of firearms or ammunition by the  
35 department of public safety in Code section 809.21, less

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1 expenses, be deposited into the general fund of the state.



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House File 76 - Introduced

HOUSE FILE 76  
BY WATTS, KLEIN, ALONS,  
VANDER LINDEN, LANDON,  
FISHER, and SHEETS

A BILL FOR

1 An Act relating to the application of foreign laws, and  
2 including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1034YH (4) 85  
jm/rj



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1 Section 1. NEW SECTION. 537C.1 Public policy of this state.

2 1. It shall be the public policy of this state to protect  
3 its citizens from the application of foreign laws when the  
4 application of foreign law will result in the violation of  
5 a right guaranteed by the Constitution of the United States  
6 or the Constitution of the State of Iowa, including but  
7 not limited to due process; freedom of religion, speech, or  
8 press; and any right of privacy or marriage embodied in the  
9 Constitution of the State of Iowa.

10 2. It shall be the public policy of this state to fully  
11 recognize the right to contract freely under the laws of this  
12 state, and also to recognize that this right may be reasonably  
13 and rationally circumscribed pursuant to the state's interest  
14 to protect and promote rights and privileges granted under  
15 the Constitution of the United States and the Constitution of  
16 the State of Iowa, including but not limited to due process;  
17 freedom of religion, speech, or press; and any right of privacy  
18 or marriage embodied in the Constitution of the State of Iowa.

19 Sec. 2. NEW SECTION. 537C.2 Definition.

20 As used in this chapter, "*foreign law*" means any law, legal  
21 code, or system of a jurisdiction outside of any state or  
22 territory of the United States, including but not limited to  
23 international organizations and tribunals, and applied by that  
24 jurisdiction's courts, administrative bodies, or other formal  
25 or informal tribunals.

26 Sec. 3. NEW SECTION. 537C.3 Use of foreign laws —  
27 enforceability.

28 Any court, arbitration, tribunal, or administrative agency  
29 ruling or decision violates the public policy of this state  
30 and shall be void and unenforceable if the court, arbitration,  
31 tribunal, or administrative agency bases its ruling or decision  
32 in the matter at issue in whole or in part on any law, legal  
33 code, or system, that would not grant the parties affected by  
34 the ruling or decision the same fundamental liberties, rights,  
35 and privileges granted under the Constitution of the United

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1 States and the Constitution of the State of Iowa, including  
2 but not limited to due process; freedom of religion, speech,  
3 or press; and any right of privacy or marriage embodied in the  
4 Constitution of the State of Iowa.

5 Sec. 4. NEW SECTION. 537C.4 Choice of law.

6 A contract or contractual provision, if capable of  
7 segregation, which provides for the choice of a law, legal  
8 code, or system, to govern some or all of the disputes  
9 between the parties adjudicated by a court of law or by an  
10 arbitration panel arising from the contract mutually agreed  
11 upon violates the public policy of this state and shall be void  
12 and unenforceable if the law, legal code, or system chosen  
13 includes or incorporates any substantive or procedural law,  
14 as applied to the dispute at issue, that would not grant the  
15 parties the same fundamental liberties, rights, and privileges  
16 granted under the Constitution of the United States and the  
17 Constitution of the State of Iowa, including but not limited  
18 to due process; freedom of religion, speech, or press; and any  
19 right of privacy or marriage embodied in the Constitution of  
20 the State of Iowa.

21 Sec. 5. NEW SECTION. 537C.5 Jurisdiction.

22 A contract or contractual provision, if capable of  
23 segregation, which provides for jurisdiction for the purpose  
24 of granting the courts or arbitration panels in personam  
25 jurisdiction over the parties to adjudicate any disputes  
26 between the parties arising from the contract mutually agreed  
27 upon violates the public policy of this state and shall be void  
28 and unenforceable if the law, legal code, or system chosen  
29 includes or incorporates any substantive or procedural law,  
30 as applied to the dispute at issue, that would not grant the  
31 parties the same fundamental liberties, rights, and privileges  
32 granted under the Constitution of the United States and the  
33 Constitution of the State of Iowa, including but not limited  
34 to due process; freedom of religion, speech, or press; and any  
35 right of privacy or marriage embodied in the Constitution of

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1 the State of Iowa.

2 Sec. 6. NEW SECTION. 537C.6 Forum non conveniens.

3 If a person of this state, subject to personal jurisdiction  
4 in this state, seeks to maintain litigation, arbitration,  
5 agency, or similarly binding proceedings in this state and if  
6 the courts of this state find that granting a claim of forum  
7 non conveniens or a related claim violates or would likely  
8 violate the constitutional rights of the nonclaimant in the  
9 foreign forum with respect to the matter in dispute, the claim  
10 shall be denied.

11 Sec. 7. NEW SECTION. 537C.7 Applicability.

12 1. Without prejudice to any legal right, this chapter shall  
13 not apply to a corporation, partnership, limited liability  
14 corporation, business association, or other legal entity that  
15 contracts to subject itself to foreign law in a jurisdiction  
16 other than this state or the United States.

17 2. This chapter shall not apply to a church or to a  
18 religious corporation, association, or society, with respect  
19 to individuals of a particular religion regarding matters  
20 that are purely ecclesiastical, including but not limited to  
21 calling a pastor, excluding members from a church, electing  
22 church officers, matters concerning church bylaws, constitution  
23 and doctrinal regulations, and the conduct of other routine  
24 church business where the jurisdiction of the church would be  
25 final, and the jurisdiction of the courts of this state would  
26 be contrary to the First Amendment to the Constitution of the  
27 United States and to Article I of the Constitution of the State  
28 of Iowa. This exemption in no way grants permission for any  
29 otherwise unlawful act under the guise of the protection of the  
30 First Amendment to the Constitution of the United States.

31 Sec. 8. NEW SECTION. 537C.8 Conflict.

32 This chapter shall not be interpreted by any court to  
33 conflict with any federal treaty or other international  
34 agreement to which the United States is a party to the extent  
35 that such treaty or international agreement preempts or is

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1 superior to state law on the matter at issue.

2     Sec. 9. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
3 immediate importance, takes effect upon enactment.

4                                   EXPLANATION

5     This bill relates to the application of foreign laws.

6     The bill specifies that it shall be the public policy of  
7 this state to protect its citizens from the application of  
8 foreign laws when the application of foreign law will result  
9 in the violation of a right guaranteed by the Constitution of  
10 the United States or the Constitution of the State of Iowa,  
11 including but not limited to due process; freedom of religion,  
12 speech, or press; and any right of privacy or marriage embodied  
13 in the Constitution of the State of Iowa.

14     The bill further specifies that it is the public policy of  
15 this state to fully recognize the right to contract freely  
16 under the laws of this state, and also to recognize that this  
17 right may be reasonably and rationally circumscribed pursuant  
18 to the state's interest to protect and promote rights and  
19 privileges granted under the Constitution of the United States  
20 and the Constitution of the State of Iowa.

21     As used in the bill, "foreign law" means any law, legal  
22 code, or system of a jurisdiction outside of any state or  
23 territory of the United States, including but not limited to  
24 international organizations and tribunals, and applied by that  
25 jurisdiction's courts, administrative bodies, or other formal  
26 or informal tribunals. "Foreign law" as defined would not  
27 include the laws of the Native American tribes of this state as  
28 that jurisdiction is within this state.

29     The bill establishes that it is a violation of the public  
30 policy of this state if any court, arbitration, tribunal,  
31 or administrative agency ruling or decision bases a ruling  
32 or decision in the matter at issue in whole or in part  
33 on any law, legal code, or system, that would not grant  
34 the parties affected by the ruling or decision the same  
35 fundamental liberties, rights, and privileges granted under the

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1 Constitution of the United States and the Constitution of the  
2 State of Iowa. The bill specifies such a ruling is void and  
3 unenforceable.

4 Under the bill, a contract or contractual provision, if  
5 capable of segregation, which provides for the choice of a law,  
6 legal code, or system, to govern some or all of the disputes  
7 between the parties arising from a contract mutually agreed  
8 upon violates the public policy of this state and shall be void  
9 and unenforceable if the law, legal code, or system chosen  
10 includes or incorporates any substantive or procedural law,  
11 as applied to the dispute at issue, that would not grant the  
12 parties the same fundamental liberties, rights, and privileges  
13 granted under the Constitution of the United States and the  
14 Constitution of the State of Iowa.

15 A contract or contractual provision under the bill, if  
16 capable of segregation, which specifies jurisdiction for  
17 the purpose of granting the courts or arbitration panels in  
18 personam jurisdiction over the parties to adjudicate any  
19 disputes between the parties arising from a contract mutually  
20 agreed upon, shall be void and unenforceable if the law, legal  
21 code, or system chosen includes or incorporates any substantive  
22 or procedural law, as applied to the dispute at issue, that  
23 would not grant the parties the same fundamental liberties,  
24 rights, and privileges granted under the Constitution of the  
25 United States and the Constitution of the State of Iowa.

26 If a person of this state, subject to personal jurisdiction  
27 in this state, seeks to maintain litigation, arbitration,  
28 agency, or similarly binding proceedings in this state and if  
29 the courts of this state find that granting a claim of forum  
30 non conveniens or a related claim violates the constitutional  
31 rights of the nonclaimant in the foreign forum with respect  
32 to the matter in dispute, the bill requires that the claim be  
33 denied.

34 The bill does not apply to a corporation, partnership,  
35 limited liability corporation, business association, or other

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1 legal entity that contracts to subject itself to foreign law in  
2 a jurisdiction other than this state or the United States. The  
3 bill also does not apply to many activities involving a church  
4 or religious organization.

5 Additionally, the provisions of the bill shall not be  
6 interpreted by any court to conflict with any federal treaty or  
7 other international agreement to which the United States is a  
8 party to the extent that such treaty or international agreement  
9 preempts or is superior to state law on the matter at issue.

10 The bill takes effect upon enactment.



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House File 77 - Introduced

HOUSE FILE 77  
BY KAJTAZOVIC

A BILL FOR

1 An Act relating to the identification of certain contributors  
2 to persons making independent expenditures.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1535HH (2) 85  
jr/sc



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H.F. 77

1 Section 1. Section 68A.404, subsection 3, paragraph a,  
2 subparagraph (2), Code 2013, is amended to read as follows:  
3 (2) A report filed as a result of this paragraph "a" shall  
4 not require the identification of individual members who  
5 pay dues to a labor union, organization, or association, or  
6 individual stockholders of a business corporation. A Except  
7 as provided in subsection 5, paragraph "i", a report filed as a  
8 result of this paragraph "a" shall not require the disclosure  
9 of any donor or other source of funding to the person making  
10 the independent expenditure except when the donation or source  
11 of funding, or a portion of the donation or source of funding,  
12 was provided for the purpose of furthering the independent  
13 expenditure.

14 Sec. 2. Section 68A.404, subsection 5, Code 2013, is amended  
15 by adding the following new paragraphs:

16 NEW PARAGRAPH. h. The name and address of every contributor  
17 or other source of funding in excess of twenty-five dollars  
18 which was provided for the purpose of furthering the  
19 independent expenditure.

20 NEW PARAGRAPH. i. If the person making the independent  
21 expenditure receives a contribution from a person or individual  
22 of five thousand dollars or more in the twelve months prior to  
23 the independent expenditure being made and the contribution  
24 was not given for the purpose of furthering the independent  
25 expenditure, the names and addresses of the two contributors  
26 who gave the largest and next largest contribution to the  
27 person making the independent expenditure during the twelve  
28 months prior to the independent expenditure being made.

29 Sec. 3. Section 68A.405, subsection 1, paragraph h, Code  
30 2013, is amended to read as follows:

31 h. If the published material is the result of an independent  
32 expenditure subject to section 68A.404, the published material  
33 shall include a statement that the published material was not  
34 authorized by any candidate, candidate's committee, or ballot  
35 issue committee. The statement shall also identify the persons

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1 or individuals described in section 68A.404, subsection 5,  
2 paragraph "i", if any.

3 EXPLANATION

4 This bill makes changes relating to independent  
5 expenditures.

6 The bill requires that independent expenditure statements  
7 filed with the ethics and campaign disclosure board include  
8 the names and addresses of contributors who have contributed  
9 more than \$25 for the purpose of furthering the independent  
10 expenditure. The bill also requires that the independent  
11 expenditure statement include the names and addresses of  
12 persons or individuals who gave the largest and next largest  
13 contributions to the person making the independent expenditure  
14 during the 12 months prior to the independent expenditure  
15 being made if any contribution over that same time period  
16 to the person making the independent expenditure was \$5,000  
17 or more and was not given for the purpose of furthering the  
18 independent expenditure. The bill further requires that the  
19 attribution statement on published material that is funded  
20 by an independent expenditure must also identify those two  
21 contributors.



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House File 78 - Introduced

HOUSE FILE 78  
BY ISENHART and LOFGREN

A BILL FOR

1 An Act authorizing local authorities to permit parking on the  
2 left side of a roadway during periods of winter weather.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1182HH (3) 85  
dea/nh



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H.F. 78

1 Section 1. Section 321.361, Code 2013, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 1A. Local authorities may by ordinance  
4 permit vehicles stopped or parked upon a roadway where there  
5 are adjacent curbs to be stopped or parked with the left-hand  
6 wheels of the vehicle adjacent to and within eighteen inches of  
7 the left-hand curb during periods of snow, sleet, or freezing  
8 rain or when snow or ice has accumulated on the roadway, if  
9 stopping or parking in such a manner is deemed by the local  
10 authorities to be safer under such conditions than stopping or  
11 parking as provided in subsection 1. However, an ordinance  
12 adopted under this subsection shall not apply to a road which  
13 is a primary road extension.

14 EXPLANATION

15 This bill relates to parking on the left side of a two-way  
16 roadway. Current law prohibits parking with the vehicle's  
17 left-hand wheels adjacent to the left-hand curb unless the  
18 roadway is a one-way roadway. The bill permits a political  
19 subdivision of the state to adopt an ordinance allowing a  
20 vehicle to be parked on a roadway with the left-hand wheels  
21 adjacent to and within 18 inches of the left-hand curb if  
22 the political subdivision deems it safer than parking on the  
23 right-hand side of the street during periods of snow, sleet,  
24 or freezing rain or when snow or ice has accumulated on the  
25 roadway. The provision does not apply to a road which is a  
26 primary road extension.





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House File 79 - Introduced

HOUSE FILE 79  
BY WINDSCHITL

A BILL FOR

1 An Act creating exemptions from the computation of net  
2 income for the individual and corporate income tax and  
3 the franchise tax of amounts paid to and received from a  
4 health care sharing ministry and including retroactive  
5 applicability provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1502YH (1) 85  
mm/sc



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H.F. 79

1 Section 1. Section 422.7, Code 2013, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 57. Subtract the following:

4 *a.* To the extent not otherwise deducted in computing  
5 adjusted gross income, amounts paid by an individual as a  
6 subscriber in a health care sharing ministry that meets the  
7 requirements of section 505.22.

8 *b.* To the extent not otherwise deducted in computing  
9 adjusted gross income, amounts paid on behalf of an employee of  
10 the taxpayer to a health care sharing ministry that meets the  
11 requirements of section 505.22, which payment is part of the  
12 employee's subscription in the health care sharing ministry.

13 *c.* To the extent included, amounts received as a member of  
14 a health care sharing ministry that meets the requirements of  
15 section 505.22.

16 Sec. 2. Section 422.9, subsection 2, Code 2013, is amended  
17 by adding the following new paragraph:

18 NEW PARAGRAPH. *j.* If the taxpayer has a deduction for  
19 health care sharing ministry expenses under the Internal  
20 Revenue Code, the taxpayer shall recompute for the purposes of  
21 this subsection the amount of the deduction under the Internal  
22 Revenue Code by excluding from health care sharing ministry  
23 expenses the amounts subtracted under section 422.7, subsection  
24 57, paragraph "a".

25 Sec. 3. Section 422.35, Code 2013, is amended by adding the  
26 following new subsection:

27 NEW SUBSECTION. 26. Subtract, to the extent not already  
28 excluded, amounts paid on behalf of an employee of the taxpayer  
29 to a health care sharing ministry that meets the requirements  
30 of section 505.22, which payment is part of the employee's  
31 subscription in the health care sharing ministry.

32 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies  
33 retroactively to January 1, 2013, for tax years beginning on  
34 or after that date.

35

EXPLANATION



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1 This bill creates exemptions from the individual and  
2 corporate income tax and the franchise tax for certain  
3 expenses related to a health care sharing ministry. A health  
4 care sharing ministry is an organization which, through its  
5 publication to subscribers, solicits funds for the payment of  
6 medical expenses of other subscribers, and which otherwise  
7 meets the requirements of Code section 505.22.

8 The bill exempts from the computation of net income for  
9 the individual income tax amounts paid by an individual as a  
10 subscriber in a health care sharing ministry, amounts paid  
11 on behalf of an employee of the taxpayer to a health care  
12 sharing ministry, and amounts received as a member of a health  
13 care sharing ministry. In the event any amount paid by an  
14 individual as a subscriber in a health care sharing ministry  
15 is allowed as a deduction from federal adjusted gross income,  
16 those amounts shall not be allowed as a deduction from Iowa net  
17 income in addition to the exemption provided in the bill.

18 The bill also exempts from the computation of net income for  
19 the corporate income tax and the franchise tax amounts paid on  
20 behalf of an employee of the taxpayer to a health care sharing  
21 ministry.

22 The bill applies retroactively to January 1, 2013, for tax  
23 years beginning on or after that date.



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House Resolution 5 - Introduced

HOUSE RESOLUTION NO. 5  
BY COMMITTEE ON ETHICS  
(SUCCESSOR TO HSB 27)

1 A Resolution relating to the code of ethics of the  
2 House of Representatives for the Eighty-fifth  
3 General Assembly.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That  
5 the House Code of Ethics shall be as follows:

6 HOUSE CODE OF ETHICS

7 PREAMBLE. Every legislator and legislative employee  
8 has a duty to uphold the integrity and honor of the  
9 general assembly, to encourage respect for the law  
10 and for the general assembly, and to observe the house  
11 code of ethics. The members and employees of the house  
12 have a responsibility to conduct themselves so as to  
13 reflect credit on the general assembly, and to inspire  
14 the confidence, respect, and trust of the public. The  
15 following rules are adopted pursuant to chapter 68B of  
16 the Code, to assist the members and employees in the  
17 conduct of their activities:

18 1. DEFINITIONS. The definitions of terms provided  
19 in chapter 68B of the Code apply to the use of those  
20 terms in these rules.

21 2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF  
22 HOUSE.

23 a. *Economic or investment opportunity.* A member  
24 or employee of the house shall not solicit or accept  
25 economic or investment opportunity under circumstances  
26 where the member or employee knows, or should know,  
27 that the opportunity is being afforded with the intent



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1 to influence the member's or employee's conduct in  
2 the performance of official duties. If a member  
3 or employee of the house learns that an economic  
4 or investment opportunity previously accepted was  
5 offered with the intent of influencing the member's or  
6 employee's conduct in the performance of the official  
7 duties, the member or employee shall take steps to  
8 divest that member or employee of that investment or  
9 economic opportunity, and shall report the matter  
10 in writing to the chairperson of the house ethics  
11 committee.

12     b. *Excessive charges for services, goods, or*  
13 *property interests.* A member or employee of the  
14 house shall not charge to or accept from a person  
15 known to have a legislative interest, a price, fee,  
16 compensation, or other consideration for the sale or  
17 lease of any property or the furnishing of services  
18 which is in excess of that which the member or employee  
19 would ordinarily charge another person.

20     c. *Use of confidential information.* A member or  
21 employee of the house, in order to further the member's  
22 or employee's own economic interests, or those of any  
23 other person, shall not disclose or use confidential  
24 information acquired in the course of the member's or  
25 employee's official duties. For the purpose of this  
26 rule, information disclosed in open session at a public  
27 meeting and information that is a public record is not  
28 confidential information.

29     d. *Employment.* A member or employee of the house  
30 shall not accept employment, either directly or

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1 indirectly, from a political action committee. A  
2 member of the house shall not act as a paid lobbyist  
3 for any organization. However, this paragraph shall  
4 not prohibit a member or employee of the house from  
5 working for a candidate's committee, a political  
6 party's action committee, or a political action  
7 committee which does not expressly advocate the  
8 nomination, election, or defeat of a candidate for  
9 public office in this state or expressly advocate the  
10 passage or defeat of a ballot issue in this state and  
11 which is not interested in issues before the general  
12 assembly.

13 For the purpose of this rule, a political action  
14 committee means a committee, but not a candidate's  
15 committee, which accepts contributions, makes  
16 expenditures, or incurs indebtedness in the aggregate  
17 of more than seven hundred fifty dollars in any one  
18 calendar year to expressly advocate the nomination,  
19 election, or defeat of a candidate for public office or  
20 to expressly advocate the passage or defeat of a ballot  
21 issue or for the purpose of influencing legislative  
22 action.

23 e. Solicitation of employment as lobbyist. A  
24 member or employee of the house shall not solicit  
25 employment on behalf of the member or employee, or on  
26 behalf of another legislator or employee, as a lobbyist  
27 while the general assembly is in session.

28 f. Certain goods or services. A member or employee  
29 of the house shall not solicit or obtain goods or  
30 services from another person under circumstances where



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1 the member or employee knows or should know that the  
2 goods or services are being offered or sold with the  
3 intent to influence the member's or employee's conduct  
4 in the performance of official duties. If a member  
5 or employee of the house is afforded goods or services  
6 by another person at a price that is not available to  
7 other members or classes of members of the general  
8 public or is afforded goods or services that are not  
9 available to other members or classes of members  
10 of the general public by another person where the  
11 member or employee knows or should know that the other  
12 person intends to influence the member's or employee's  
13 official conduct, the member or employee shall not take  
14 or purchase the goods or services.

15 3. APPEARANCE BEFORE STATE AGENCY. A member or  
16 employee of the house may appear before a state agency  
17 in any representation case but shall not act as a  
18 lobbyist with respect to the passage, defeat, approval,  
19 veto, or modification of any legislation, rule, or  
20 executive order. Whenever a member or employee of  
21 the house appears before a state agency, the member  
22 or employee shall carefully avoid all conduct which  
23 might in any way lead members of the general public  
24 to conclude that the member or employee is using the  
25 member's or employee's official position to further the  
26 member's or employee's professional success or personal  
27 financial interest.

28 4. CONFLICTS OF INTEREST. In order for the general  
29 assembly to function effectively, members of the house  
30 may be required to vote on bills and participate in

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1 committee work which will affect their employment and  
2 other areas in which they may have a monetary interest.  
3 Action on bills and committee work which furthers a  
4 member's specific employment, specific investment, or  
5 other specific interest, as opposed to the interests of  
6 the public in general or the interests of a profession,  
7 trade, business, or other class of persons, shall be  
8 avoided. In making a decision relative to a member's  
9 activity on particular bills or in committee work, the  
10 following factors should be considered:

11 a. Whether a substantial threat to the member's  
12 independence of judgment has been created by the  
13 conflict situation.

14 b. The effect of the member's participation on  
15 public confidence in the integrity of the general  
16 assembly.

17 c. Whether the member's participation is likely to  
18 have any significant effect on the disposition of the  
19 matter.

20 d. The need for the member's particular  
21 contribution, such as special knowledge of the subject  
22 matter, to the effective functioning of the general  
23 assembly.

24 If a member decides not to participate in committee  
25 work or to abstain from voting because of a possible  
26 conflict of interest, the member should disclose  
27 this fact to the legislative body. The member shall  
28 not vote on any question in which the member has an  
29 economic interest that is distinguishable from the  
30 interests of the general public or a substantial class





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1 of persons.

2 5. STATUTORY REQUIREMENTS. Members and employees  
3 of the house shall comply with the requirements  
4 contained in chapters 68B (Government Ethics and  
5 Lobbying), 721 (Official Misconduct), and 722 (Bribery  
6 and Corruption), and sections 2.18 (Contempt) and 711.4  
7 (Extortion) of the Code.

8 6. CHARGE ACCOUNTS. Members and employees of the  
9 house shall not charge any amount or item to a charge  
10 account to be paid for by a lobbyist or any client of a  
11 lobbyist.

12 7. TRAVEL EXPENSES. A member or employee of the  
13 house shall not charge to the state of Iowa amounts  
14 for travel and expenses unless the member or employee  
15 actually has incurred those mileage and expense costs.  
16 Members or employees shall not file the vouchers for  
17 weekly mileage reimbursement required by section 2.10,  
18 subsection 1 of the Code, unless the travel expense was  
19 actually incurred.

20 A member or employee of the house shall not file  
21 a claim for per diem compensation for a meeting of  
22 an interim study committee or a visitation committee  
23 unless the member or employee attended the meeting.  
24 However, the speaker may waive this provision and allow  
25 a claim to be filed if the member or employee attempted  
26 to attend the meeting but was unable to do so because  
27 of circumstances beyond the member's or employee's  
28 control.

29 8. GIFTS ACCEPTED OR RECEIVED. Members and  
30 employees of the house shall comply with the

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1 restrictions relating to the receipt or acceptance  
2 of gifts contained in section 68B.22 of the Code.  
3 The sponsor of a function under section 68B.22,  
4 subsection 4, paragraph "s", shall electronically  
5 file a registration with the chief clerk of the house  
6 five days prior to the function disclosing the name of  
7 the sponsor, and the date, time, and location of the  
8 function. The sponsor shall also electronically file a  
9 report of expenditures as required pursuant to section  
10 68B.22, subsection 4, paragraph "s".

11 9. HONORARIA RESTRICTIONS. Members and employees  
12 of the house shall comply with the restrictions  
13 relating to the receipt of honoraria contained in  
14 section 68B.23 of the Code.

15 10. DISCLOSURE REQUIRED. Each member of the  
16 house and the chief clerk of the house shall file the  
17 personal financial disclosure statements required under  
18 section 68B.35 of the Code by February 15 of each year  
19 for the prior calendar year.

20 11. SEXUAL HARASSMENT. Members and employees of  
21 the house shall not engage in conduct which constitutes  
22 sexual harassment as defined in section 19B.12 of  
23 the Code or pursuant to the sexual harassment policy  
24 adopted by the house committee on administration and  
25 rules.

26 12. COMPLAINTS.

27 a. *Filing of complaint.* Complaints may be filed by  
28 any person believing that a member or employee of the  
29 house, a lobbyist, or a client of a lobbyist is guilty  
30 of a violation of the house code of ethics, the ~~house~~

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1 joint rules governing lobbyists, or chapter 68B of the  
2 Code.

3     b. *Complaints by committee.* The ethics committee  
4 may initiate a complaint on its own motion. Committee  
5 complaints may be initiated by the committee as a  
6 result of a committee investigation or as a result of  
7 receipt of any complaint or other information that does  
8 not meet the requirements of these rules regarding the  
9 form of a complaint but that contains allegations that  
10 would form the basis for a valid complaint.

11     c. *Form and contents of complaint.* A complaint  
12 shall be in writing.

13     Complaint forms shall be available from the chief  
14 clerk of the house, but a complaint shall not be  
15 rejected for failure to use the approved form if it  
16 complies with the requirements of these rules. The  
17 complaint shall contain a certification made by the  
18 complainant, under penalty of perjury, that the facts  
19 stated in the complaint are true to the best of the  
20 complainant's knowledge.

21     To be valid, a complaint shall allege all of the  
22 following:

23     (1) Facts, that if true, establish a violation of  
24 a provision of chapter 68B of the Code, the house code  
25 of ethics, or ~~house~~ joint rules governing lobbyists for  
26 which penalties or other remedies are provided.

27     (2) That the conduct providing the basis for the  
28 complaint occurred within three years of the filing of  
29 the complaint.

30     (3) That the party charged with a violation is



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1 a party subject to the jurisdiction of the ethics  
2 committee.

3 d. *Confidentiality of complaint.* The identity of  
4 the parties and the contents of the complaint shall  
5 be confidential until the time that the committee  
6 chairperson and ranking member determine under  
7 paragraph "f" that the complaint is sufficient as  
8 to form, unless either the complainant or the party  
9 charged in the complaint makes the identity of the  
10 parties, or the information contained in the complaint,  
11 public. The chief clerk of the house and the committee  
12 chairperson and ranking member may communicate  
13 confidentially with appropriate legislative staff  
14 during any stage of the complaint process.

15 e. *Notice of complaint.* Upon receipt of the  
16 complaint, the chief clerk of the house shall promptly  
17 notify the chairperson and ranking member of the  
18 ethics committee that a complaint has been filed and  
19 provide both the chairperson and the ranking member  
20 with copies of the complaint and any supporting  
21 information. Within two working days, the chief clerk  
22 shall send notice, either by personal delivery or by  
23 certified mail, return receipt requested, to the person  
24 or persons alleged to have committed the violation,  
25 along with a copy of the complaint and any supporting  
26 information. The notice to the accused person shall  
27 contain a request that the person submit a written  
28 response to the complaint within ten working days of  
29 the date that the notice was sent by the chief clerk.  
30 At the request of the accused person, the committee may

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1 extend the time for the response, not to exceed ten  
2 additional calendar days. A response to a complaint  
3 shall not be confidential.

4     *f. Hearing regarding validity of complaint.* The  
5 committee chairperson and the ranking member shall  
6 review the complaint and supporting information to  
7 determine whether the complaint meets the requirements  
8 as to form. If the complaint is deficient as to form,  
9 the complaint shall be returned to the complainant  
10 with instructions indicating the deficiency. If the  
11 complaint is in writing, is sufficient as to form,  
12 and contains the appropriate certification, as soon  
13 as practicable, the chairperson shall call a meeting  
14 of the committee to review the complaint to determine  
15 whether the complaint meets the requirements for  
16 validity and whether the committee should take action  
17 on the complaint pursuant to paragraph "g" or whether  
18 the committee should request that the chief justice  
19 of the supreme court appoint an independent special  
20 counsel to conduct an investigation to determine  
21 whether probable cause exists to believe that a  
22 violation of the house code of ethics, ~~house~~ joint  
23 rules governing lobbyists, or chapter 68B of the Code,  
24 has occurred. The sufficiency as to form determination  
25 and the valid complaint requirements determination  
26 shall be based solely upon the original complaint and  
27 the response to the complaint. Additional documents  
28 or responses shall not be filed by the parties or  
29 otherwise considered by the committee prior to a  
30 validity determination. The committee shall not

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1 receive or consider oral testimony in support of or  
2 against a validity determination.

3 If the committee finds that a complaint does not  
4 meet the content requirements for a valid complaint,  
5 the committee shall dismiss the complaint and notify  
6 both the complainant and the party alleged to have  
7 committed the violation of the dismissal and the  
8 reasons for dismissal. A dismissal for failure to meet  
9 the formal requirements for the filing of a complaint  
10 shall be without prejudice and the complainant may  
11 refile the complaint at any time within three years  
12 of the date that the alleged violation took place. If  
13 the dismissal is based upon a failure to allege facts  
14 and circumstances necessary for a valid complaint, the  
15 dismissal shall be with prejudice and the party shall  
16 not be permitted to file a complaint based upon the  
17 same facts and circumstances.

18 g. Action on undisputed complaint. If the committee  
19 determines a complaint is valid and determines no  
20 dispute exists between the parties regarding the  
21 material facts that establish a violation, the  
22 committee may take action on the complaint under this  
23 paragraph without requesting the appointment of an  
24 independent special counsel.

25 The committee may do any of the following:

26 (1) Issue an admonishment to advise against the  
27 conduct that formed the basis for the complaint and to  
28 exercise care in the future.

29 (2) Issue an order to cease and desist the conduct  
30 that formed the basis for the complaint.

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1 (3) Make a recommendation to the house that  
2 the person subject to the complaint be censured or  
3 reprimanded.

4 h. *Request for appointment of independent special*  
5 *counsel.* If, after review of the complaint and any  
6 response made by the party alleged to have committed  
7 the violation, the committee determines that the  
8 complaint meets the requirements for form and content  
9 and the committee has not taken action under paragraph  
10 "g", the committee shall request that the chief justice  
11 of the supreme court appoint independent special  
12 counsel to investigate the matter and determine whether  
13 probable cause exists to believe that a violation of  
14 chapter 68B of the Code, the house code of ethics, or  
15 the ~~house~~ joint rules governing lobbyists has occurred.

16 i. *Receipt of report of independent special counsel.*  
17 The report from the independent special counsel  
18 regarding probable cause to proceed on a complaint  
19 shall be filed with the chief clerk of the house.  
20 Upon receipt of the report of the independent special  
21 counsel, the chief clerk shall notify the chairperson  
22 of the filing of the report and shall send copies of  
23 the report to the members of the ethics committee. As  
24 soon as practicable after the filing of the report, the  
25 chairperson shall schedule a public meeting for review  
26 of the report. The purpose of the public meeting  
27 shall be to determine whether the complaint should be  
28 dismissed, whether a formal hearing should be held on  
29 the complaint, or whether other committee action is  
30 appropriate. The complainant and the person alleged to

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1 have committed the violation shall be given notice of  
2 the public meeting, shall have the right to be present  
3 at the public meeting, and may, at the discretion  
4 of the committee, present testimony in support of or  
5 against the recommendations contained in the report.

6 If the committee determines that the matter should  
7 be dismissed, the committee shall cause an order to  
8 be entered dismissing the matter and notice of the  
9 dismissal shall be given to the complainant and the  
10 party alleged to have committed the violation. If  
11 the committee determines that the complaint should be  
12 scheduled for formal hearing, the committee shall issue  
13 a charging statement which contains the charges and  
14 supporting facts that are to be set for formal hearing  
15 and notice shall be sent to the complainant and the  
16 accused person.

17 The notice shall include a statement of the nature  
18 of the charge or charges, a statement of the time and  
19 place of hearing, a short and plain statement of the  
20 facts asserted, and a statement of the rights of the  
21 accused person at the hearing.

22 j. *Formal hearing.* Formal hearings shall be public  
23 and conducted in the manner provided in section 68B.31,  
24 subsection 8 of the Code. At a formal hearing the  
25 accused shall have the right to be present and to  
26 be heard in person and by counsel, to cross-examine  
27 witnesses, and to present evidence. Members of  
28 the committee shall also have the right to question  
29 witnesses.

30 The committee may require, by subpoena or otherwise,





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1 the attendance and testimony of witnesses and the  
2 production of such books, records, correspondence,  
3 memoranda, papers, documents, and any other things it  
4 deems necessary to the conduct of the inquiry.

5 Evidence at the formal hearing shall be received  
6 in accordance with rules and procedures applicable to  
7 contested cases under chapter 17A of the Code.

8 The committee chairperson, or the vice chairperson  
9 or ranking member in the absence of the chairperson,  
10 shall preside at the formal hearing and shall rule on  
11 the admissibility of any evidence received. The ruling  
12 of the chairperson may be overturned by a majority  
13 vote of the committee. Independent special counsel  
14 shall present the evidence in support of the charge  
15 or charges. The burden shall be on the independent  
16 special counsel to prove the charge or charges by  
17 a preponderance of clear and convincing evidence.  
18 Upon completion of the formal hearing, the committee  
19 shall adopt written findings of fact and conclusions  
20 concerning the merits of the charges and make its  
21 report and recommendation to the house.

22 k. *Disqualification of member.* Members of the  
23 committee may disqualify themselves from participating  
24 in any investigation of the conduct of another person  
25 upon submission of a written statement that the member  
26 cannot render an impartial and unbiased decision  
27 in a case. A member may also be disqualified by a  
28 unanimous vote of the remaining eligible members of the  
29 committee.

30 A member of the committee is ineligible to



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1 participate in committee meetings, as a member of the  
2 committee, in any proceeding relating to the member's  
3 own official conduct.

4 If a member of the committee is disqualified or  
5 ineligible to act, the majority or minority leader who  
6 appointed the member shall appoint a replacement member  
7 to serve as a member of the committee during the period  
8 of disqualification or ineligibility.

9 1. *Recommendations by the committee.* The committee  
10 shall recommend to the house that the complaint be  
11 dismissed, or that one or more of the following be  
12 imposed:

13 (1) That the member or employee of the house  
14 or lobbyist or client of a lobbyist be censured or  
15 reprimanded, and the recommended appropriate form of  
16 censure or reprimand be used.

17 (2) That the member of the house be suspended or  
18 expelled from membership in the house and required  
19 to forfeit the member's salary for that period, the  
20 employee of the house be suspended or dismissed from  
21 employment, or that the lobbyist's or lobbyist's  
22 client's lobbying privileges be suspended.

23 13. COMMUNICATIONS WITH ETHICS COMMITTEE. After a  
24 complaint has been filed or an investigation has been  
25 initiated, a party to the complaint or investigation  
26 shall not communicate, or cause another to communicate,  
27 as to the merits of the complaint or investigation with  
28 a member of the committee, except under the following  
29 circumstances:

30 a. During the course of any meetings or other



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1 official proceedings of the committee regarding the  
2 complaint or investigation.

3     b. In writing, if a copy of the writing is  
4 delivered to the adverse party or the designated  
5 representative for the adverse party.

6     c. Orally, if adequate prior notice of the  
7 communication is given to the adverse party or the  
8 designated representative for the adverse party.

9     d. As otherwise authorized by statute, the house  
10 code of ethics, ~~house~~ joint rules governing lobbyists,  
11 or vote of the committee.

12     14. PERMANENT RECORD. The chief clerk of the house  
13 shall maintain a permanent record of all complaints  
14 filed and any corresponding committee action. The  
15 permanent record shall be prepared by the ethics  
16 committee and shall contain the date the complaint was  
17 filed, name and address of the complainant, name and  
18 address of the accused person, a brief statement of the  
19 charges made, any evidence received by the committee,  
20 any transcripts or recordings of committee action, and  
21 ultimate disposition of the complaint. The Except as  
22 provided in rule 12, paragraph "d", the chief clerk  
23 shall keep each complaint confidential until public  
24 disclosure is made by the ethics committee.

25     15. MEETING AUTHORIZATION. The house ethics  
26 committee is authorized to meet at the discretion of  
27 the committee chairperson in order to conduct hearings  
28 and other business that properly may come before it.  
29 If the committee submits a report seeking house action  
30 against a member or employee of the house or lobbyist

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1 after the second regular session of a general assembly  
2 has adjourned sine die, the report shall be submitted  
3 to and considered by the subsequent general assembly.

4 16. ADVISORY OPINIONS.

5 a. *Requests for formal opinions.* A request for a  
6 formal advisory opinion may be filed by any person who  
7 is subject to the authority of the ethics committee.  
8 The ethics committee may also issue a formal advisory  
9 opinion on its own motion, without having previously  
10 received a formal request for an opinion, on any issue  
11 that is within the jurisdiction of the committee.

12 Requests shall be filed with either the chief clerk of  
13 the house or the chairperson of the ethics committee.

14 b. *Form and contents of requests.* A request for  
15 a formal advisory opinion shall be in writing and  
16 may pertain to any subject matter that is related to  
17 application of the house code of ethics, the ~~house~~  
18 joint rules governing lobbyists, or chapter 68B of the  
19 Code to any person who is subject to the authority of  
20 the ethics committee. Requests shall contain one or  
21 more specific questions and shall relate either to  
22 future conduct or be stated in the hypothetical. A  
23 request for an advisory opinion shall not specifically  
24 name any individual or contain any other specific  
25 identifying information, unless the request relates  
26 to the requester's own conduct. However, any request  
27 may contain information which identifies the kind  
28 of individual who may be affected by the subject  
29 matter of the request. Examples of this latter kind  
30 of identifying information may include references to

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1 conduct of a category of individuals, such as but not  
2 limited to conduct of legislators, legislative staff,  
3 or lobbyists.

4 c. *Confidentiality of formal requests and opinions.*  
5 Requests for formal opinions are not confidential and  
6 any deliberations of the committee regarding a request  
7 for a formal opinion shall be public. Opinions issued  
8 in response to requests for formal opinions are not  
9 confidential, shall be in writing, and shall be placed  
10 on file in the office of the chief clerk of the house.  
11 Persons requesting formal opinions shall personally  
12 receive a copy of the written formal opinion that is  
13 issued in response to the request.

14 17. PERSONAL FINANCIAL DISCLOSURE FORM. The  
15 following form shall be used for disclosure of economic  
16 interests under these rules and section 68B.35 of the  
17 Code:

18 STATEMENT OF ECONOMIC INTERESTS  
19 Name: \_\_\_\_\_  
20 (Last) (First) (Middle Initial)  
21 Address: \_\_\_\_\_  
22 (Street Address, Apt.#/P.O. Box)  
23 \_\_\_\_\_  
24 (City)(State)(Zip)  
25 Phone:(Home)\_\_\_\_/\_\_\_\_-(Business)\_\_\_\_/\_\_\_\_-\_\_\_\_  
26 \*\*\*\*\*

27 This form is due each year on or before February 15.  
28 The reporting period is the most recently completed  
29 calendar year.

30 In completing Division III of this form, if your

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1 percentage of ownership of an asset is less than 100  
2 percent, multiply your percentage of ownership by the  
3 total revenue produced to determine if you have reached  
4 the \$1,000 threshold.

5 Do not report income received by your spouse or  
6 other family members.

7 In completing this form, if insufficient space is  
8 provided for your answer, you may attach additional  
9 information/answers on full-size sheets of paper.

10 Division I. Business, Occupation, or Profession.

11 List each business, occupation, or profession in  
12 which you are engaged, the nature of the business if  
13 not evident, and your position or job title. No income  
14 threshold or time requirement applies.

15 Examples:

16 If you are employed by an individual, state the name  
17 of the individual employer, the nature of the business,  
18 and your position.

19 If you are self-employed and are not incorporated  
20 or are not doing business under a particular business  
21 name, state that you are self-employed, the nature of  
22 the business, and your position.

23 If you own your own corporation, are employed by a  
24 corporation, or are doing business under a particular  
25 business name, state the name and nature of the  
26 business or corporation and your position.

27 1 \_\_\_\_\_  
28 2 \_\_\_\_\_  
29 3 \_\_\_\_\_  
30 4 \_\_\_\_\_



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1 5 \_\_\_\_\_

2 6 \_\_\_\_\_

3 Division II. Commissions from Sales of Goods or  
4 Services to Political Subdivisions.

5 This part is to be completed only by Legislators.

6 If you received income in the form of a commission  
7 from the sale of goods or services to a political  
8 subdivision, state the name of the purchasing political  
9 subdivision. The amount of commission earned is not  
10 required to be listed.

11 1 \_\_\_\_\_

12 2 \_\_\_\_\_

13 3 \_\_\_\_\_

14 4 \_\_\_\_\_

15 5 \_\_\_\_\_

16 6 \_\_\_\_\_

17 Division III. Sources of Gross Income.

18 In each one of the following categories list each  
19 source which produces more than \$1,000 in annual gross  
20 income, if the revenue produced by the source was  
21 subject to federal or state income taxes last year.  
22 List the nature or type of each company, business,  
23 financial institution, corporation, partnership, or  
24 other entity which produces more than \$1,000 of annual  
25 gross income. Neither the amount of income produced  
26 nor value of the holding is required to be listed in  
27 any of the items.

28 A. Securities: State the nature of the business of  
29 any company in which you hold stock, bonds, or other  
30 pecuniary interests that generate more than \$1,000



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1 in annual gross income. Income generated by multiple  
2 holdings in a single company are deemed received from a  
3 single source.

4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_

10 B. Instruments of Financial Institutions: State  
11 the types of institutions in which you hold financial  
12 instruments, such as certificates of deposit, savings  
13 accounts, etc., that produce annual gross income in  
14 excess of \$1,000, e.g., banks, savings and loans, or  
15 credit unions.

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19 \_\_\_\_\_  
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22 C. Trusts: State the nature or type of any trust  
23 from which you receive more than \$1,000 of gross income  
24 annually.

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1 D. Real Estate: State the general nature of real  
2 estate interests that generate more than \$1,000 of  
3 gross income annually, e.g., residential leasehold  
4 interest or farm leasehold interest. The size or  
5 location of the property interest is not required to be  
6 listed.

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10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_

13 E. Retirement Systems: State the name of each  
14 pension plan or other corporation or company that pays  
15 you more than \$1,000 annually in retirement benefits.

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20 \_\_\_\_\_  
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22 F. Other Income Categories Specified in State and  
23 Federal Income Tax Regulations.

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25 \_\_\_\_\_  
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28 \_\_\_\_\_  
29 \_\_\_\_\_

30 (Signature of Filer) \_\_\_\_\_ (Date) \_\_\_\_\_



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**House Resolution 6 - Introduced**

HOUSE RESOLUTION NO. 6

BY MURPHY

1 A Resolution to preserve Social Security.

2 WHEREAS, the Social Security program is an extremely  
3 successful social program that permits senior citizens  
4 in America to retire with dignity and security after a  
5 lifetime of hard work; and

6 WHEREAS, many senior citizens would fall into  
7 poverty without Social Security; and

8 WHEREAS, the security of private pension plans is  
9 the subject of increased uncertainty; and

10 WHEREAS, job losses have rendered many Americans  
11 ineligible for an employer-based pension; and

12 WHEREAS, with the decline of "defined benefit"  
13 pensions, 401(k) plans, known in the industry as  
14 "defined contribution" plans, are the most common type  
15 of pension, providing a varying and uncertain source  
16 of retirement income; and

17 WHEREAS, Social Security is essential to provide a  
18 stable income supplement; and

19 WHEREAS, Social Security provides needed disability  
20 and survivors benefits; and

21 WHEREAS, Social Security creates a national sense of  
22 community; NOW THEREFORE,

23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
24 That the House of Representatives affirms the need to  
25 strengthen Social Security's long-term finances for the  
26 future to ensure that it remains a reliable, guaranteed  
27 benefit for retirement, disability insurance, and  
28 survivors income.

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House Study Bill 61 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED SECRETARY OF  
STATE BILL)

A BILL FOR

1 An Act authorizing the secretary of state to modify fees for  
2 businesses newly organizing in this state during an Iowa  
3 start a business month.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1167DP (3) 85  
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1 DIVISION I  
2 IOWA START-UP BUSINESS INITIATIVE  
3 Section 1. NEW SECTION. 9.4A Iowa start a business  
4 initiative.  
5 1. As used in this section, unless the context otherwise  
6 requires, "*business entity*" means a profit or nonprofit business  
7 organized under the laws of this state, including but not  
8 limited to a partnership or limited liability partnership  
9 under chapter 486A; a limited partnership under chapter 488;  
10 a limited liability company under chapter 489; a corporation  
11 under chapter 490; a cooperative association under chapter 499,  
12 501, or 501A; or a nonprofit corporation under chapter 504.  
13 2. The secretary of state may establish and administer an  
14 Iowa start a business initiative. In order to participate in  
15 the initiative as an Iowa start-up business, a business entity  
16 must qualify as a newly formed Iowa-based business according to  
17 requirements established by rules adopted by the secretary of  
18 state.  
19 3. The secretary of state may designate a month as "Iowa  
20 start a business month".  
21 4. The secretary of state may reduce or waive any fee that  
22 must be paid to the secretary of state as a direct result of  
23 organizing an Iowa start-up business during an Iowa start a  
24 business month, which may include a filing fee paid by a person  
25 as required pursuant to section 486A.1202, 488.1206, 489.117,  
26 490.122, 499.45, 501.105, 501A.205, or 504.113.  
27 5. If the secretary of state implements this section  
28 or any part of this section, it shall adopt all rules that  
29 the secretary of state determines are necessary for its  
30 administration.

31 DIVISION II  
32 COORDINATING PROVISIONS  
33 Sec. 2. Section 486A.1202, Code 2013, is amended by adding  
34 the following new subsection:  
35 NEW SUBSECTION. 4. The secretary of state may reduce or

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1 waive any fee that is otherwise required to be collected by the  
2 secretary of state under this chapter, if the fee is to be paid  
3 by a person as a direct result of organizing an Iowa start-up  
4 business as provided in section 9.4A.

5 Sec. 3. Section 488.1206, Code 2013, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 4. The secretary of state may reduce or  
8 waive any fee that is otherwise required to be collected by the  
9 secretary of state under this chapter, if the fee is to be paid  
10 by a person as a direct result of organizing an Iowa start-up  
11 business as provided in section 9.4A.

12 Sec. 4. Section 489.117, Code 2013, is amended by adding the  
13 following new subsection:

14 NEW SUBSECTION. 3A. The secretary of state may reduce or  
15 waive any fee that is otherwise required to be collected by the  
16 secretary of state under this chapter, if the fee is to be paid  
17 by a person as a direct result of organizing an Iowa start-up  
18 business as provided in section 9.4A.

19 Sec. 5. Section 490.122, Code 2013, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 4. The secretary of state may reduce or  
22 waive any fee that is otherwise required to be collected by the  
23 secretary of state under this chapter, if the fee is to be paid  
24 by a person as a direct result of organizing an Iowa start-up  
25 business as provided in section 9.4A.

26 Sec. 6. Section 499.45, Code 2013, is amended to read as  
27 follows:

28 **499.45 Fees.**

29 1. A fee of twenty dollars shall be paid to the secretary  
30 of state upon filing articles of incorporation, amendments, or  
31 renewals.

32 2. Except as provided in this section, the association shall  
33 pay the fees prescribed by section 490.122 when the documents  
34 described in that section are delivered to the secretary of  
35 state for filing.

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1     3. The secretary of state may reduce or waive any fee that  
2 is otherwise required to be collected by the secretary of state  
3 under this chapter, if the fee is to be paid by a person as  
4 a direct result of organizing an Iowa start-up business as  
5 provided in section 9.4A.

6     Sec. 7. Section 501.105, Code 2013, is amended by adding the  
7 following new subsection:

8     NEW SUBSECTION.   7.   The secretary of state may reduce or  
9   waive any fee that is otherwise required to be collected by the  
10  secretary of state under this chapter, if the fee is to be paid  
11  by a person as a direct result of organizing an Iowa start-up  
12  business as provided in section 9.4A.

13     Sec. 8. Section 501A.205, Code 2013, is amended by adding  
14 the following new subsection:

15     NEW SUBSECTION.   4. The secretary of state may reduce or  
16 waive any fee that is otherwise required to be collected by the  
17 secretary of state under this chapter, if the fee is to be paid  
18 by a person as a direct result of organizing an Iowa start-up  
19 business as provided in section 9.4A.

20     Sec. 9. Section 504.113, Code 2013, is amended by adding the  
21 following new subsection:

22     NEW SUBSECTION.   4.   The secretary of state may reduce or  
23   waive any fee that is otherwise required to be collected by the  
24   secretary of state under this chapter, if the fee is to be paid  
25   by a person as a direct result of organizing an Iowa start-up  
26   business as provided in section 9.4A.

27 EXPLANATION

28 This bill authorizes the secretary of state to provide for an  
29 Iowa start-up business initiative for the benefit of domestic  
30 business entities newly organized under the laws of this state  
31 according to rules adopted by the secretary of state. Under  
32 the initiative, the secretary of state may designate a month  
33 as "Iowa start a business month". The secretary of state may  
34 reduce or waive any fee required to be paid by a person as a  
35 direct result of organizing an Iowa start-up business during

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1 that month (e.g., filing articles of incorporation for an Iowa  
2 corporation). The businesses affected include partnerships  
3 (Code chapter 486A), limited partnerships (Code chapter 488),  
4 limited liability companies (Code chapter 489), business  
5 corporations (Code chapter 490), various forms of cooperatives  
6 (Code chapters 499, 501, and 501A), and nonprofit corporations  
7 (Code chapter 504). The secretary of state is authorized to  
8 adopt rules to administer the initiative.



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House Study Bill 62 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ECONOMIC  
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to the administration of duties and programs by  
2 the economic development authority.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

CONTRACT ADMINISTRATION

Section 1. Section 15.106B, subsection 4, paragraph c, Code 2013, is amended by striking the paragraph.

Sec. 2. Section 15.329, subsection 2, Code 2013, is amended to read as follows:

2. a. If the authority finds that a business has a record of violations of the law, including but not limited to antitrust, environmental, and worker safety statutes, rules, and regulations, that over a period of time that tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws, the business shall not qualify for economic development assistance under this part, unless except as provided in paragraph "b".

b. If the authority finds that the violations described in paragraph "a" did not seriously affect public health or, public safety, or the environment, or if it did, the authority finds that there were mitigating circumstances involved, the business may qualify for economic development assistance under this part, notwithstanding paragraph "a".

c. In making the findings and determinations regarding violations, mitigating circumstances, and whether the business is disqualified for economic development assistance under this part, the authority shall be exempt from chapter 17A.

Sec. 3. Section 15.330, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A business shall enter into an agreement with the authority specifying the requirements that must be met to confirm eligibility pursuant to this part and the requirements that must be maintained throughout the period of the agreement in order to retain the incentives or financial assistance received. The authority shall consult with the community during negotiations relating to the agreement. The agreement shall contain, at a minimum, the following provisions:

Sec. 4. Section 15.330, subsection 2, Code 2013, is amended

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1 to read as follows:

2     2. The repayment of incentives or financial assistance  
3 by the business if the business does not meet any of the  
4 requirements of this part or the resulting agreement. The  
5 repayment of incentives pursuant to this subsection shall be  
6 considered a tax payment due and payable to the department of  
7 revenue by any taxpayer who has claimed such incentives, and  
8 the failure to make such a repayment may be treated by the  
9 department of revenue in the same manner as a failure to pay  
10 the tax shown due or required to be shown due with the filing of  
11 a return or deposit form. In addition, the county shall have  
12 the authority to take action to recover the value of property  
13 taxes not collected as a result of the exemption provided to  
14 the business under this part.

15     Sec. 5. Section 15.333, subsection 1, Code 2013, is amended  
16 to read as follows:

17     1. An eligible business may claim a tax credit equal  
18 to a percentage of the new investment directly related to  
19 new jobs created or retained by the location or expansion  
20 of an eligible business under the program. The tax credit  
21 shall be amortized ~~equally over five calendar years~~ over the  
22 period of time determined by the authority and specified in  
23 the agreement entered into pursuant to section 15.330. The  
24 tax credit may be amortized in amounts negotiated with the  
25 authority. The tax credit shall be allowed against taxes  
26 imposed under chapter 422, division II, III, or V, and against  
27 the moneys and credits tax imposed in section 533.329. If the  
28 business is a partnership, S corporation, limited liability  
29 company, cooperative organized under chapter 501 and filing  
30 as a partnership for federal tax purposes, or estate or trust  
31 electing to have the income taxed directly to the individual,  
32 an individual may claim the tax credit allowed. The amount  
33 claimed by the individual shall be based upon the pro rata  
34 share of the individual's earnings of the partnership, S  
35 corporation, limited liability company, cooperative organized

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1 under chapter 501 and filing as a partnership for federal  
2 tax purposes, or estate or trust. The percentage shall be  
3 determined as provided in section 15.335A. Any tax credit in  
4 excess of the tax liability for the tax year may be credited  
5 to the tax liability for the following seven years or until  
6 depleted, whichever occurs first.

7 DIVISION II  
8 MICROENTERPRISES

9 Sec. 6. Section 15.102, subsections 5 and 9, Code 2013, are  
10 amended by striking the subsections.

11 Sec. 7. REPEAL. Section 15.240, Code 2013, is repealed.

12 DIVISION III  
13 BROADBAND ACCESS GOVERNING BOARD

14 Sec. 8. 2009 Iowa Acts, chapter 173, section 13, subsection  
15 5, paragraphs b, c, and d, are amended by striking the  
16 paragraphs.

17 DIVISION IV  
18 INDUSTRIAL PROPERTY TAX EXEMPTION APPROVALS

19 Sec. 9. Section 427B.1, subsection 1, Code 2013, is amended  
20 to read as follows:

21 1. A city council, or a county board of supervisors as  
22 authorized by section 427B.2, may provide by ordinance for  
23 a partial exemption from property taxation of the actual  
24 value added to industrial real estate by the new construction  
25 of industrial real estate, research-service facilities,  
26 warehouses, distribution centers and the acquisition of or  
27 improvement to machinery and equipment assessed as real estate  
28 pursuant to section 427A.1, subsection 1, paragraph "e". "New  
29 construction" means new buildings and structures and includes  
30 new buildings and structures which are constructed as additions  
31 to existing buildings and structures. "New construction" does  
32 not include reconstruction of an existing building or structure  
33 which does not constitute complete replacement of an existing  
34 building or structure or refitting of an existing building or  
35 structure, unless the reconstruction of an existing building



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1 or structure is required due to economic obsolescence and the  
2 reconstruction is necessary to implement recognized industry  
3 standards for the manufacturing and processing of specific  
4 products and the reconstruction is required for the owner  
5 of the building or structure to continue to competitively  
6 manufacture or process those products which determination shall  
7 receive prior approval from the city council of the city or the  
8 board of supervisors of the county ~~upon the recommendation of~~  
9 ~~the economic development authority~~. The exemption shall also  
10 apply to new machinery and equipment assessed as real estate  
11 pursuant to section 427A.1, subsection 1, paragraph "e", unless  
12 the machinery or equipment is part of the normal replacement  
13 or operating process to maintain or expand the existing  
14 operational status. "*Research-service facilities*" means a  
15 building or group of buildings devoted primarily to research  
16 and development activities, including, but not limited to, the  
17 design and production or manufacture of prototype products for  
18 experimental use, and corporate-research services which do not  
19 have a primary purpose of providing on-site services to the  
20 public. "*Warehouse*" means a building or structure used as a  
21 public warehouse for the storage of goods pursuant to chapter  
22 554, article 7, except that it does not mean a building or  
23 structure used primarily to store raw agricultural products  
24 or from which goods are sold at retail. "*Distribution center*"  
25 means a building or structure used primarily for the storage  
26 of goods which are intended for subsequent shipment to retail  
27 outlets. "*Distribution center*" does not mean a building or  
28 structure used primarily to store raw agricultural products,  
29 used primarily by a manufacturer to store goods to be used in  
30 the manufacturing process, used primarily for the storage of  
31 petroleum products, or used for the retail sale of goods.

32 EXPLANATION

33 This bill relates to the administration of duties and  
34 programs of the economic development authority.

35 Division I of the bill eliminates the two-year limitation

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1 on the length of a contract for services entered into by the  
2 authority.

3 Currently, a business is generally ineligible to receive  
4 economic development assistance under the high quality jobs  
5 program if the business has a record that tends to show  
6 a consistent pattern of violations of the law, including  
7 environmental and worker safety laws as well as violations  
8 of related rules and regulations. The division adds that  
9 a business is also ineligible for economic development  
10 assistance if the business engages in a pattern of antitrust  
11 violations or if a business's conduct in violating any laws,  
12 including environmental, worker safety, and antitrust laws is  
13 intentional, criminal, or reckless.

14 Current law requires that an agreement under the high  
15 quality jobs program for assistance or incentives entered into  
16 between the authority and a business include requirements for a  
17 business's eligibility for the incentives or assistance. The  
18 bill adds that the agreement must also include the requirements  
19 that a business receiving incentives or assistance must  
20 maintain throughout the period of the agreement. The authority  
21 must ensure that a business only receives the incentives or  
22 assistance if the business meets the initial eligibility  
23 requirements and maintains the program requirements throughout  
24 the agreement period.

25 Current law also provides that an agreement under the high  
26 quality jobs program must include the repayment of incentives  
27 or assistance by a business if a business does not meet  
28 the requirements in statute or the agreement. The division  
29 provides that the repayment of incentives, in this context, is  
30 a tax payment due and payable to the department of revenue by  
31 a taxpayer, and the taxpayer's failure to make the repayment  
32 may be treated by the department of revenue in the same manner  
33 as a failure to pay the tax shown or required to be shown  
34 due when filing a return or deposit form. The division also  
35 authorizes the county to recover property taxes exempted under

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1 the agreement.

2 Under current law, an eligible business under the high  
3 quality jobs program may claim a tax credit equal to a  
4 percentage of the new investment directly related to new jobs  
5 created or retained by a location expansion of the eligible  
6 business. The tax credit is amortized equally over five  
7 calendar years. The division amends this provision to allow  
8 the authority and the eligible business to negotiate the amount  
9 of amortization, and the length of the amortization period  
10 would be described in the agreement entered into between the  
11 authority and the eligible business.

12 Division II of the bill eliminates the community  
13 microenterprise development organization grant program.

14 Division III of the bill eliminates the broadband access  
15 governing board created in 2009 Iowa Acts. The governing  
16 board was tasked with establishing a comprehensive plan for  
17 the deployment and sustainability of high-speed broadband  
18 access in areas capable of timely implementation of the  
19 access, establishing a competitive process for the disbursement  
20 of funds for such deployment and sustainability, making  
21 recommendations to the general assembly, and establishing and  
22 maintaining separate accounts for the use of certain proceeds.

23 Division IV of the bill relates to the economic development  
24 authority's approval of industrial property tax exemptions.  
25 The division eliminates the requirement that the economic  
26 development authority recommend prior approval of industrial  
27 property tax exemptions by local governments.



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House Study Bill 63 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ECONOMIC  
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to the termination of the targeted small  
2 business financial assistance program and making  
3 appropriations for assistance to targeted small businesses.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I  
2 TARGETED SMALL BUSINESS FINANCIAL ASSISTANCE PROGRAM  
3 Section 1. Section 8.6, subsection 12, Code 2013, is amended  
4 to read as follows:  
5 12. *Targeted small businesses.* To assist the director  
6 of the economic development authority as requested in the  
7 establishment and implementation of the Iowa targeted small  
8 business procurement Act ~~and the targeted small business loan~~  
9 ~~guarantee program.~~  
10 Sec. 2. Section 15.107B, subsection 2, paragraph c, Code  
11 2013, is amended by striking the paragraph.  
12 Sec. 3. Section 15.108, subsection 7, paragraph c,  
13 unnumbered paragraph 1, Code 2013, is amended to read as  
14 follows:  
15 Aid for the development and implementation of the Iowa  
16 targeted small business procurement Act established in sections  
17 73.15 through 73.21 ~~and the targeted small business financial~~  
18 ~~assistance program established in section 15.247.~~  
19 Sec. 4. Section 15.108, subsection 7, paragraph c,  
20 subparagraph (1), subparagraph division (c), Code 2013, is  
21 amended by striking the subparagraph division.  
22 Sec. 5. Section 15.108, subsection 7, paragraph c,  
23 subparagraphs (3) and (5), Code 2013, are amended by striking  
24 the subparagraphs.  
25 Sec. 6. Section 15.240, subsection 2, paragraph f, Code  
26 2013, is amended by striking the paragraph.  
27 Sec. 7. Section 15.313, subsection 2, paragraph c, Code  
28 2013, is amended by striking the paragraph.  
29 Sec. 8. Section 73.20, Code 2013, is amended to read as  
30 follows:  
31 **73.20 Determination of ability to perform.**  
32 Before announcing a contract award pursuant to the targeted  
33 small business procurement goal program, the purchasing  
34 authority shall evaluate whether the targeted small business  
35 scheduled to receive the award is able to perform the contract.

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1 This determination shall include consideration of production  
2 and financial capacity and technical competence. If the  
3 purchasing authority determines that the targeted small  
4 business may be unable to perform, the director of the economic  
5 development authority shall be notified ~~and shall assist the~~  
6 ~~targeted small business pursuant to section 15.108, subsection~~  
7 ~~7, paragraph "c", subparagraph (3).~~

8 Sec. 9. REPEAL. Section 15.247, Code 2013, is repealed.

9 Sec. 10. TRANSITION UPON REPEAL.

10 1. Upon repeal of the targeted small business financial  
11 assistance program established in section 15.247, the authority  
12 shall transfer all unencumbered and unobligated moneys accruing  
13 to the authority pursuant to existing agreements to a fund  
14 established by the authority in the state treasury under  
15 the control of the authority pursuant to section 15.106A,  
16 subsection 1, paragraph "o", to be used for the purposes of  
17 administering economic development programs in chapter 15,  
18 chapter 15E, or another targeted small business assistance  
19 program as may be authorized by law.

20 2. Loan payments or repayments and recaptures of principal,  
21 interest, or other moneys accruing to the authority on or after  
22 June 30, 2013, pursuant to an agreement under section 15.247,  
23 shall be transferred to a fund established by the authority in  
24 the state treasury under the control of the authority pursuant  
25 to section 15.106A, subsection 1, paragraph "o".

26 DIVISION II

27 TARGETED SMALL BUSINESS APPROPRIATION

28 Sec. 11. TARGETED SMALL BUSINESSES. There is appropriated  
29 from the general fund of the state to the economic development  
30 authority for the fiscal year beginning July 1, 2013, and  
31 ending June 30, 2014, the following amount, or so much thereof  
32 as is necessary, to be used for the purposes designated in this  
33 section:

34 For the services of a qualified microloan service provider  
35 to provide financial and technical assistance to targeted small

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1 businesses in Iowa:

2 ..... \$ 250,000

3 1. The authority shall enter into an agreement with a  
4 microloan service provider for the provision of services to  
5 targeted small businesses. In engaging the services of a  
6 qualified microloan service provider, the authority shall  
7 require the service provider to offer financial and technical  
8 assistance to targeted small businesses at a discounted  
9 rate. The authority shall ensure that the moneys appropriated  
10 pursuant to this section are used to subsidize the provision  
11 of financial and technical assistance by the microloan  
12 service provider to targeted small businesses in order for  
13 the microloan service provider to offer its services at a  
14 discounted rate.

15 2. The authority shall, upon completion of the terms of the  
16 agreement with the microloan service provider, submit a report  
17 to the general assembly and the governor's office regarding  
18 the results achieved by the service provider and shall make  
19 recommendations as to whether the state should continue to  
20 appropriate funds for future fiscal years for the purpose  
21 of providing financial and technical assistance to targeted  
22 small businesses through the services of a microloan service  
23 provider.

24 3. For purposes of this section, "targeted small business"  
25 means the same as defined in section 15.102.

26 4. Notwithstanding section 8.33, moneys appropriated in  
27 this section that remain unencumbered or unobligated at the  
28 close of the fiscal year shall not revert but shall remain  
29 available for expenditure for the purposes designated until the  
30 close of the succeeding fiscal year.

31 5. Notwithstanding section 12C.7, subsection 2, earnings  
32 or interest on moneys deposited in a fund shall be credited to  
33 the fund.

34 EXPLANATION

35 This bill terminates the targeted small business financial

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ad/sc



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1 assistance program and appropriates moneys to the economic  
2 development authority for the services of a microloan service  
3 provider to assist targeted small businesses.

4 Division I of the bill repeals the targeted small business  
5 financial assistance program. The Code defines a targeted  
6 small business as a small business that is 51 percent or more  
7 owned, operated, and actively managed by a minority person,  
8 a person with a disability, or a woman. A targeted small  
9 business must also be located in the state, operated for  
10 profit, and have an average annual gross income of less than \$4  
11 million over the three preceding fiscal years. The targeted  
12 small business financial assistance program is a program that  
13 provides loan-based financing and grants to eligible targeted  
14 small businesses through the strategic investment fund created  
15 in Code section 15.313. The bill terminates the targeted small  
16 business financial assistance program, as well as the program's  
17 board, and the targeted small business advocate service  
18 provider which provided mentoring, outreach, and professional  
19 development services to certified targeted small businesses.

20 The bill allows the economic development authority, upon  
21 repeal of the program, to transfer all unencumbered and  
22 unobligated moneys as well as loan payments or repayments  
23 and recaptures of principal, interest, or other moneys  
24 accruing from an existing agreement entered into under the  
25 targeted small business financial assistance program to a fund  
26 established by the economic development authority.

27 Division II of the bill appropriates \$250,000 from the  
28 general fund to the economic development authority for  
29 the services of a qualified microloan service provider to  
30 provide financial and technical assistance to targeted small  
31 businesses.

32 The bill provides that the economic development authority  
33 shall enter into an agreement with a microloan service provider  
34 for the provision of financial and technical services to  
35 targeted small businesses. The economic development authority

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1 shall require that the microloan service provider offer  
2 such assistance to targeted small businesses at a discounted  
3 rate, and the moneys appropriated to the economic development  
4 authority shall be used to enable the microloan service  
5 provider to offer that discounted rate.

6 The bill requires the economic development authority to  
7 submit a report to the governor and the general assembly  
8 with the results achieved by the service provider and  
9 recommendations as to whether the state should continue to  
10 appropriate funds for future fiscal years for the purpose of  
11 providing assistance to targeted small businesses through a  
12 microloan service provider.



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House Study Bill 64 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL BY  
CHAIRPERSON ALONS)

A BILL FOR

1 An Act exempting veterans from the requirement to obtain  
2 permits to acquire pistols or revolvers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1755HC (2) 85  
rh/rj



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H.F. \_\_\_\_\_

1 Section 1. Section 724.15, subsection 2, Code 2013, is  
2 amended by adding the following new paragraph:  
3 NEW PARAGRAPH. f. The person is a veteran as defined in  
4 section 35.1.

5 EXPLANATION

6 Current law provides that any person who desires to acquire  
7 ownership of any pistol or revolver shall first obtain an  
8 annual permit to acquire a pistol or revolver from the sheriff  
9 of the county where the person resides. An applicant must  
10 meet certain minimum application requirements and must pass  
11 a criminal history background check. In certain situations,  
12 certain persons are exempt from this permit requirement  
13 including a licensed firearm dealer who transfers a pistol  
14 or revolver to another licensed firearm dealer; a person who  
15 acquires a pistol or revolver that is an antique firearm, a  
16 collector's item, a device which is not designed or redesigned  
17 for use as a weapon, a device which is designed solely for  
18 use as a signaling, pyrotechnic, line-throwing, safety, or  
19 similar device, or a firearm which is unserviceable; a person  
20 who acquires a pistol or revolver under the authority of a law  
21 enforcement agency; a person who has obtained a valid permit to  
22 carry weapons; or a person who transfers a pistol or revolver  
23 to certain family members unless the person transferring the  
24 pistol or revolver knows that the person acquiring the pistol  
25 or revolver would be disqualified from obtaining a permit.

26 The bill includes veterans in the list of persons who are  
27 not required to obtain a permit to acquire pistols or revolvers  
28 before purchasing a pistol or revolver. "Veteran" means the  
29 same as defined in Code section 35.1.



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House Study Bill 65 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to certain license requirements under the  
2 purview of the natural resource commission.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1296DP (8) 85  
av/nh



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 483A.24, subsection 6, Code 2013, is  
2 amended to read as follows:

3 6. a. A fishing license shall not be required of minor  
4 pupils of the state school for the blind, state school for  
5 the deaf, or of minor residents of other state institutions  
6 under the control of an administrator of a division of the  
7 department of human services. In addition, a person who is  
8 on active duty with the armed forces of the United States,  
9 on authorized leave from a duty station located outside of  
10 this state, and a resident of the state of Iowa shall not be  
11 required to have a license to hunt or fish in this state. The  
12 military person shall carry the person's leave papers and a  
13 copy of the person's current earnings statement showing a  
14 deduction for Iowa income taxes while hunting or fishing. In  
15 lieu of carrying the person's earnings statement, the military  
16 person may also claim residency if the person is registered to  
17 vote in this state. If a deer or wild turkey is taken, the  
18 military person shall immediately contact a state conservation  
19 officer to obtain an appropriate tag to transport the animal.  
20 A fishing license shall not be required of residents of county  
21 care facilities or any person who is receiving supplementary  
22 assistance under chapter 249.

23 b. A person who is on active duty with the armed forces  
24 of the United States and lives in this state, and who is a  
25 nonresident, may apply to purchase any hunting, fishing, or  
26 trapping license, or pay any fees, at the same price as a  
27 person who is a resident of Iowa. The commission shall, by  
28 rule, establish the requirements for issuance of a hunting,  
29 fishing, or trapping license, and for the payment of fees,  
30 pursuant to this paragraph and provide for an application to be  
31 used by an applicant requesting a license or paying a fee under  
32 this paragraph.

33 Sec. 2. Section 483A.27, subsections 1 and 2, Code 2013, are  
34 amended to read as follows:

35 1. a. A person born after January 1, 1972, shall not

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1 obtain a hunting license unless the person has satisfactorily  
2 completed a hunter safety and ethics education course approved  
3 by the commission. A person who is eleven years of age or more  
4 may enroll in an approved hunter safety and ethics education  
5 course, but a person who is eleven years of age and who has  
6 successfully completed the course shall be issued a certificate  
7 of completion which becomes valid on the person's twelfth  
8 birthday. A certificate of completion from an approved hunter  
9 safety and ethics education course issued in this state, or a  
10 certificate issued by another state, country, or province for  
11 completion of a course that meets the standards adopted by the  
12 international hunter education association, is valid for the  
13 requirements of this section.

14 b. Notwithstanding paragraph "a", the requirement that  
15 a person must have a certificate of completion of a hunter  
16 safety and ethics education course in order to obtain a hunting  
17 license is waived for a person who is on active duty with the  
18 armed forces of the United States or for a person who served on  
19 active duty with the armed forces of the United States and was  
20 honorably discharged.

21 2. a. A certificate of completion shall not be issued  
22 to a person who has not satisfactorily completed a minimum  
23 of ten hours of training in an approved hunter safety and  
24 ethics education course. The department shall establish the  
25 curriculum for the first ten hours of an approved hunter  
26 safety and ethics education course offered in this state.  
27 Upon completion of the ten-hour curriculum, each person shall  
28 pass an individual oral test or a written test provided by  
29 the department. The department shall establish the criteria  
30 for successfully passing the tests. Based on the results of  
31 the test and demonstrated safe handling of a firearm, the  
32 instructor shall determine the persons who shall be issued a  
33 certificate of completion.

34 b. Notwithstanding paragraph "a", a resident who is eighteen  
35 years of age or older may obtain a certificate of completion



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1 without demonstrating the safe handling of a firearm.

2 EXPLANATION

3 This bill relates to certain license requirements under the  
4 purview of the natural resource commission.

5 Code section 483A.24(6) is amended to provide that certain  
6 minor pupils at state institutions, residents of county care  
7 facilities, and persons receiving supplementary assistance  
8 under Code chapter 249 do not need a license to fish in this  
9 state. In addition, a person who is on active duty with the  
10 armed forces of the United States and lives in this state,  
11 but is a nonresident, may purchase any hunting, fishing,  
12 or trapping license, or pay any fees, at the same price as  
13 a person who is a resident of Iowa. The natural resource  
14 commission shall, by rule, establish the requirements for  
15 licenses issued and fees paid pursuant to the bill and provide  
16 for an application to be used when requesting such a license or  
17 paying a fee.

18 Code section 483A.27 is amended to provide that a person who  
19 is on active duty with the armed forces of the United States,  
20 or who served on active duty with the armed forces of the  
21 United States and was honorably discharged, is not required to  
22 complete a hunter safety and ethics education course in order  
23 to obtain a hunting license. In addition, a resident who is 18  
24 years of age or older may obtain a certificate of completion  
25 of the course without demonstrating the safe handling of a  
26 firearm.



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House Study Bill 66 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to matters under the purview of the department  
2 of natural resources, including the registration and titling  
3 of snowmobiles and all-terrain vehicles, the restore the  
4 outdoors program, and protected wetlands.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1301DP (2) 85  
dea/nh



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1 DIVISION I  
2 SNOWMOBILE AND ALL-TERRAIN VEHICLE TITLING REGISTRATION  
3 Section 1. Section 321G.29, subsection 3, Code 2013, is  
4 amended to read as follows:  
5 3. An owner of a snowmobile shall apply to the county  
6 recorder for issuance of a certificate of title within thirty  
7 days after acquisition. The application shall be on forms  
8 the department prescribes and accompanied by the required  
9 fee. The application ~~shall be signed and sworn to before a~~  
10 ~~notarial officer as provided in chapter 9B or other person~~  
11 ~~who administers oaths,~~ or shall include a certification  
12 signed in writing containing substantially the representation  
13 that statements made are true and correct to the best of the  
14 applicant's knowledge, information, and belief, under penalty  
15 of perjury. The application shall contain the date of sale  
16 and gross price of the snowmobile or the fair market value if  
17 no sale immediately preceded the transfer and any additional  
18 information the department requires. If the application is  
19 made for a snowmobile last previously registered or titled in  
20 another state or foreign country, the application shall contain  
21 this information and any other information the department  
22 requires.  
23 Sec. 2. Section 321I.31, subsection 3, Code 2013, is amended  
24 to read as follows:  
25 3. An owner of an all-terrain vehicle shall apply to  
26 the county recorder for issuance of a certificate of title  
27 within thirty days after acquisition. The application shall  
28 be on forms the department prescribes and accompanied by the  
29 required fee. The application ~~shall be signed and sworn to~~  
30 ~~before a notary public as provided in chapter 9B or other~~  
31 ~~person who administers oaths,~~ or shall include a certification  
32 signed in writing containing substantially the representation  
33 that statements made are true and correct to the best of the  
34 applicant's knowledge, information, and belief, under penalty  
35 of perjury. The application shall contain the date of sale and

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1 gross price of the all-terrain vehicle or the fair market value  
2 if no sale immediately preceded the transfer and any additional  
3 information the department requires. If the application is  
4 made for an all-terrain vehicle last previously registered or  
5 titled in another state or foreign country, the application  
6 shall contain this information and any other information the  
7 department requires.

8 DIVISION II  
9 RESTORE THE OUTDOORS PROGRAM

10 Sec. 3. REPEAL. Section 461A.3A, Code 2013, is repealed.

11 DIVISION III  
12 PROTECTED WETLANDS

13 Sec. 4. Section 427.1, subsection 23, unnumbered paragraph  
14 1, Code 2013, is amended to read as follows:

15 Land designated as native prairie or land designated as  
16 a protected wetland, as defined in section 456B.1, by the  
17 department of natural resources ~~pursuant to section 456B.12.~~

18 Sec. 5. Section 456B.1, subsection 4, Code 2013, is amended  
19 to read as follows:

20 4. "*Protected wetlands*" means type 3, type 4, and type  
21 5 wetlands as described in circular 39, "Wetlands of the  
22 United States", 1971 Edition, published by the United States  
23 department of the interior, or a palustrine emergent wetland  
24 with a water regime of seasonally flooded, semipermanently  
25 flooded, or permanently flooded as described in classification  
26 of wetlands and deepwater habitats of the United States,  
27 originally published in 1979 by the United States fish and  
28 wildlife service. However, a protected wetland does not  
29 include land where an agricultural drainage well has been  
30 plugged causing a temporary wetland or land within a drainage  
31 district or levee district.

32 Sec. 6. REPEAL. Sections 456B.12, 456B.13, 456B.14, and  
33 654A.16, Code 2013, are repealed.

34 EXPLANATION

35 This bill concerns matters administered by the department of

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1 natural resources.

2 DIVISION I — SNOWMOBILE AND ALL-TERRAIN VEHICLE TITLING  
3 AND REGISTRATION. Currently, an application for a certificate  
4 of title for a snowmobile or all-terrain vehicle must either  
5 be signed and sworn to before a notary public or other person  
6 who administers oaths, or include the applicant's signed  
7 certification that statements made in the application are  
8 true and correct. The bill strikes the language relating to  
9 notarization of the application, requiring only the signed  
10 certification by the owner.

11 DIVISION II — RESTORE THE OUTDOORS PROGRAM. The bill  
12 repeals the restore the outdoors program whose stated  
13 purpose is to provide funding for new and existing vertical  
14 infrastructure projects in existing state parks and other  
15 public facilities managed by the department.

16 DIVISION III — PROTECTED WETLANDS. The bill amends  
17 the definition of "protected wetlands" to include certain  
18 palustrine emergent wetlands. The bill repeals Code section  
19 456B.12, relating to the department's designation of protected  
20 wetlands and marshes of each county and the procedure by which  
21 affected landowners may challenge a preliminary wetlands  
22 designation; Code section 456B.13, requiring a person to obtain  
23 a permit from the department to drain a protected wetland  
24 and citing exceptions for certain activities; Code section  
25 456B.14, relating to civil penalties for violation of permit  
26 requirements; and Code section 654A.16, relating to mediation  
27 between the department and landowners affected by a preliminary  
28 wetland designation.



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House Study Bill 67 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to privileged communications between certain  
2 peer support group counselors and officers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1039YC (1) 85  
rh/nh



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H.F. \_\_\_\_\_

1 Section 1. Section 622.10, Code 2013, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 9. *a.* A peer support group counselor  
4 who obtains information from an officer by reason of the  
5 counselor's capacity as a peer support group counselor  
6 shall not be allowed, in giving testimony, to disclose any  
7 confidential communication properly entrusted to the counselor  
8 by the officer while receiving counseling.

9 *b.* The prohibition in this subsection does not apply where  
10 the officer has consented to the disclosure of the information  
11 specified in paragraph "a".

12 *c.* For purposes of this subsection:

13 (1) "*Officer*" means a certified law enforcement officer,  
14 fire fighter, emergency medical technician, corrections  
15 officer, detention officer, jailer, probation or parole  
16 officer, communications officer, or any other law enforcement  
17 officer certified by the Iowa law enforcement academy and  
18 employed by a municipality, county, or state agency.

19 (2) "*Peer support group counselor*" means either of the  
20 following:

21 (a) A law enforcement officer, fire fighter, civilian  
22 employee of a law enforcement agency, or civilian employee of a  
23 fire department, who has received training to provide emotional  
24 and moral support and counseling to an officer who needs those  
25 services as a result of an incident in which the officer was  
26 involved while acting in the officer's official capacity.

27 (b) A nonemployee counselor who has been designated by the  
28 commissioner of public safety to provide emotional and moral  
29 support and counseling to an officer who needs those services  
30 as a result of an incident in which the officer was involved  
31 while acting in the officer's official capacity.

32 EXPLANATION

33 This bill relates to privileged communications between  
34 certain peer support group counselors and officers.

35 The bill provides that a peer support group counselor

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1 who obtains information from an officer by reason of the  
2 counselor's capacity as a peer support group counselor  
3 shall not be allowed, in giving testimony, to disclose any  
4 confidential communications properly entrusted to the counselor  
5 by the officer while receiving counseling. The bill creates an  
6 exception in cases where the officer has given the officer's  
7 consent to the disclosure of such information.

8 The bill defines "officer" to mean a certified law  
9 enforcement officer, fire fighter, emergency medical  
10 technician, corrections officer, detention officer, jailer,  
11 probation or parole officer, communications officer, or  
12 any other law enforcement officer certified by the Iowa law  
13 enforcement academy and employed by a municipality, county, or  
14 state agency.

15 The bill defines a "peer support group counselor" as a  
16 law enforcement officer, fire fighter, civilian employee of  
17 a law enforcement agency, or civilian employee of a fire  
18 department, who has received training to provide emotional and  
19 moral support and counseling to an officer who needs those  
20 services as a result of an incident in which the officer  
21 was involved while acting in the officer's official capacity  
22 or a nonemployee counselor who has been designated by the  
23 commissioner of public safety to provide such support and  
24 counseling.



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House Study Bill 68 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR'S OFFICE  
OF DRUG CONTROL POLICY  
BILL)

A BILL FOR

1 An Act relating to the governor's office of drug control policy  
2 and certain advisory councils.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1303DP (2) 85  
rh/nh



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 80E.2, subsection 1, paragraph n, Code  
2 2013, is amended to read as follows:

3 n. A member representing the Iowa state police chiefs  
4 association.

5 Sec. 2. Section 80E.2, subsections 2 and 5, Code 2013, are  
6 amended to read as follows:

7 2. The prosecuting attorney, licensed substance abuse  
8 treatment specialist, certified substance abuse prevention  
9 specialist, substance abuse treatment program director, member  
10 representing the Iowa peace officers association, member  
11 representing the Iowa state police chiefs association, and the  
12 member representing the Iowa state sheriffs' and deputies'  
13 association shall be appointed by the governor, subject to  
14 senate confirmation, for four-year terms beginning and ending  
15 as provided in section 69.19. A vacancy on the council shall  
16 be filled for the unexpired term in the same manner as the  
17 original appointment was made.

18 5. The council shall meet at least ~~quarterly~~ semiannually  
19 throughout the year.

20 Sec. 3. REPEAL. Section 124.212C, Code 2013, is repealed.

21 EXPLANATION

22 This bill relates to the governor's office of drug control  
23 policy and certain advisory councils.

24 The bill updates membership and meeting requirements  
25 of the Iowa drug policy advisory council. The bill amends  
26 the membership of the Iowa drug policy advisory council to  
27 eliminate representation from the Iowa state police association  
28 but to include representation from the Iowa police chiefs  
29 association. The bill reduces the minimum meeting requirement  
30 of the council from meeting at least quarterly to at least  
31 semiannually.

32 The bill repeals the pseudoephedrine advisory council  
33 established in 2009 within the governor's office of drug  
34 control policy. The pseudoephedrine advisory council provides  
35 input and advises the governor's office of drug control

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1 policy regarding the implementation and maintenance of the  
2 statewide real-time central repository to monitor sales of  
3 pseudoephedrine. Members of the council receive actual and  
4 necessary expenses incurred in the performance of their duties.



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House Study Bill 69 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON GRASSLEY)

A BILL FOR

1 An Act providing a tax credit for lessors or lessees of  
2 agricultural land in order to support beginning farmers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1450YC (9) 85  
da/sc



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H.F. \_\_\_\_\_

1 Section 1. Section 2.48, subsection 3, paragraph e,  
2 subparagraph (1), Code 2013, is amended to read as follows:

3 (1) The agricultural assets transfer tax credit under  
4 section 175.37 and the agricultural expansion tax credit as  
5 provided in section 175.37A.

6 Sec. 2. Section 175.37, subsection 5, Code 2013, is amended  
7 to read as follows:

8 5. The tax credit shall be calculated based on the gross  
9 amount paid to the taxpayer under the agricultural assets  
10 transfer agreement.

11 a. Except as provided in paragraph "b", the tax credit shall  
12 equal ~~five~~ seven percent of the amount paid to the taxpayer  
13 under the agreement.

14 b. The tax credit shall equal ~~fifteen~~ seventeen percent  
15 of the amount paid to the taxpayer from crops or animals sold  
16 under an agreement in which the payment is exclusively made  
17 from the sale of crops or animals.

18 Sec. 3. Section 175.37, subsection 8, unnumbered paragraph  
19 1, Code 2013, is amended to read as follows:

20 A taxpayer shall not claim a tax credit under this section  
21 unless a tax credit certificate issued by the authority is  
22 attached to the taxpayer's tax return for the tax year for  
23 which the tax credit is claimed. The authority must review  
24 and approve an application for a tax credit as provided by  
25 rules adopted by the authority. The application must include  
26 a copy of the agricultural assets transfer agreement. The  
27 authority may approve an application and issue a tax credit  
28 certificate to a taxpayer who has previously been allowed a  
29 tax credit under this section. The authority may require  
30 that the parties to an agricultural assets transfer agreement  
31 provide additional information as determined relevant by the  
32 authority. The authority shall review an application for  
33 a tax credit which includes the renewal of an agricultural  
34 assets transfer agreement to determine that the parties to the  
35 renewed agreement meet the same qualifications as required for

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1 an original application. ~~However,~~ The authority shall not  
2 approve an application or issue a tax credit certificate to a  
3 taxpayer for an amount in excess of fifty thousand dollars.  
4 In addition, the authority shall not approve an application  
5 or issue a tax credit certificate to a taxpayer if any of the  
6 following applies:

7 Sec. 4. Section 175.37, subsection 10, Code 2013, is amended  
8 by striking the subsection.

9 Sec. 5. NEW SECTION. 175.37A **Agricultural expansion tax**  
10 **credit.**

11 1. An agricultural expansion tax credit is allowed under  
12 this section. The tax credit is allowed against the taxes  
13 imposed in chapter 422, division II, as provided in section  
14 422.11M, and in chapter 422, division III, as provided in  
15 section 422.33, to facilitate the expansion of agricultural  
16 production by beginning farmers who qualify under this section.

17 2. In order to qualify for the agricultural expansion tax  
18 credit, a beginning farmer must be a party to an agricultural  
19 assets transfer agreement, including a renewed agreement,  
20 approved by the authority as provided in section 175.37. The  
21 beginning farmer may claim the agricultural expansion tax  
22 credit even if the other party to the agricultural assets  
23 transfer agreement does not claim an agricultural assets  
24 transfer tax credit allowed under section 175.37.

25 3. The agricultural expansion tax credit applies to costs  
26 incurred by the beginning farmer that are attributable to the  
27 expansion of an agricultural operation on land leased by the  
28 beginning farmer pursuant to the agricultural assets transfer  
29 agreement.

30 4. The agricultural expansion tax credit must be claimed in  
31 a tax year that is all of the following:

32 a. Begins at least twenty-four months after the original  
33 agricultural assets transfer agreement is approved by the  
34 authority.

35 b. Occurs during some period that the original or renewed

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1 agricultural assets transfer agreement is effective.

2 5. The amount of the agricultural expansion tax credit  
3 equals seven percent of the total amount of costs incurred by  
4 the beginning farmer for the acquisition of property qualifying  
5 under subsection 6 in the tax year for which the tax credit is  
6 claimed. The total amount of such costs must equal at least  
7 five thousand dollars.

8 6. a. The acquired property qualifies for the agricultural  
9 expansion tax credit if it is any of the following:

10 (1) Farm machinery and equipment exempt from sales and  
11 use tax as provided in chapter 423. The farm machinery and  
12 equipment must be stored on the leased land subject to the  
13 agreement and must be directly and primarily used on the leased  
14 land in the production of crops as defined in section 202.1  
15 or animals as defined in section 459.102 during the remaining  
16 period of the agreement or renewed agreement.

17 (2) An animal as defined in section 459.102. Each animal  
18 must be primarily kept on the leased land subject to the  
19 agreement. There must be a ten percent increase in the number  
20 of animal units kept by the beginning farmer on the leased land  
21 by computing the maximum number of animal units kept at any one  
22 time on the leased land in the current tax year when compared  
23 to the previous tax year. Animal units shall be calculated in  
24 the same manner as provided in section 459.102.

25 b. The agricultural expansion tax credit is only allowed  
26 for the reasonable market value of the acquired property and  
27 is disallowed if the acquired property is transferred for less  
28 than its reasonable market value. The authority may presume  
29 that the property's reasonable market value equals the sales  
30 price paid or received by the beginning farmer when purchasing  
31 or selling the property in the ordinary course of business.

32 7. An agricultural expansion tax credit in excess of the  
33 taxpayer's liability for the tax year may be credited to the  
34 tax liability for the following five years, the tax year  
35 following the expiration of the agricultural assets transfer

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1 agreement, or until depleted, whichever is earlier. A tax  
2 credit shall not be carried back to a tax year prior to the tax  
3 year in which the taxpayer claims the tax credit. A tax credit  
4 carried forward pursuant to this subsection is not transferable  
5 other than to the beginning farmer's estate or trust upon the  
6 beginning farmer's death.

7 8. A beginning farmer shall not claim an agricultural  
8 expansion tax credit unless a tax credit certificate issued by  
9 the authority is attached to the taxpayer's tax return for the  
10 tax year for which the tax credit is claimed.

11 a. The authority must review and approve an application  
12 for a tax credit certificate. The application must include a  
13 copy of the agricultural assets transfer agreement and evidence  
14 that the taxpayer has complied with the requirements of this  
15 section. The authority may require that the parties to an  
16 agricultural assets transfer agreement provide additional  
17 information as determined relevant by the authority.

18 b. The tax credit certificate shall contain the beginning  
19 farmer's name, address, and tax identification number; the  
20 amount of the tax credit; and any other information required  
21 by the department of revenue.

22 c. The tax credit certificate, unless otherwise void, shall  
23 be accepted by the department of revenue as payment for taxes  
24 imposed pursuant to chapter 422, division II or III, subject to  
25 any conditions or restrictions placed by the authority upon the  
26 face of the tax credit certificate.

27 d. The authority shall not approve an application or issue  
28 a tax credit certificate to a beginning farmer for an amount in  
29 excess of fifty thousand dollars.

30 e. The tax credit certificate is not transferable other than  
31 to the beginning farmer's estate or trust upon the beginning  
32 farmer's death.

33 9. a. A beginning farmer who terminates the agricultural  
34 assets transfer agreement must immediately notify the authority  
35 of the termination. Upon termination of an agreement, the

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1 authority shall not issue a tax credit certificate for the  
2 agricultural expansion tax credit to the beginning farmer for  
3 a subsequent tax year.

4     **b.** If the authority determines that the beginning farmer  
5 is not at fault for the termination, any prior tax credit  
6 allowed as provided in this section shall continue until its  
7 expiration.

8     **c.** If the authority determines that the beginning farmer is  
9 at fault for the termination, any prior agricultural expansion  
10 tax credit allowed under this section is disallowed, and the  
11 amount of the tax credit shall be immediately due and payable  
12 to the department of revenue. If the beginning farmer does  
13 not immediately notify the authority of the termination, the  
14 beginning farmer shall be conclusively deemed at fault for the  
15 termination.

16     10. An individual who is a beginning farmer may claim  
17 the agricultural expansion tax credit allowed a partnership,  
18 limited liability company, S corporation, estate, or trust  
19 electing to have the income taxed directly to the individual.  
20 The amount claimed by the individual shall be based upon the  
21 pro rata share of the individual's earnings of a partnership,  
22 limited liability company, S corporation, estate, or trust.

23     11. The authority shall adopt rules to administer this  
24 section. The rules may provide for the following:

25     **a.** Allowed methods for a beginning farmer to acquire or  
26 transfer property eligible for the agricultural expansion tax  
27 credit.

28     **b.** The review and approval of tax certificates required for  
29 the agricultural expansion tax credit. The authority shall  
30 cooperate with the department of revenue in implementing this  
31 paragraph "b".

32     **Sec. 6. NEW SECTION. 175.37B Amount of tax credit**  
33 **certificates available — agricultural assets transfer tax credit**  
34 **and agricultural expansion tax credit.**

35     The amount of tax credit certificates that may be issued



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1 by the authority under sections 175.37 and 175.37A shall not  
2 in the aggregate exceed twelve million dollars in any fiscal  
3 year. Each year, the authority shall allocate a percentage  
4 of certificates to support tax credits to be issued under  
5 sections 175.37 and 175.37A. However, the authority may adjust  
6 the allocation during the year as it deems necessary. The  
7 authority shall issue tax certificates allocated under each  
8 section on a first-come, first-served basis.

9 Sec. 7. Section 422.11M, Code 2013, is amended to read as  
10 follows:

11 ~~422.11M Agricultural assets transferred to beginning~~  
12 Beginning farmers — agricultural assets transfer and expansion  
13 of operations.

14 The taxes imposed under this division, less the credits  
15 allowed under section 422.12, shall be reduced by ~~an~~ the  
16 following:

17 1. An agricultural assets transfer tax credit as allowed  
18 under section 175.37.

19 2. An agricultural expansion tax credit as allowed under  
20 section 175.37A.

21 Sec. 8. Section 422.33, subsection 21, Code 2013, is amended  
22 to read as follows:

23 21. The taxes imposed under this division shall be reduced  
24 by ~~an~~ the following:

25 a. An agricultural assets transfer tax credit as allowed  
26 under section 175.37.

27 b. An agricultural expansion tax credit as allowed under  
28 section 175.37A.

29 Sec. 9. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
30 immediate importance, takes effect upon enactment.

31 Sec. 10. APPLICABILITY. This Act applies retroactively to  
32 January 1, 2013, for tax years beginning on or after that date.

33 EXPLANATION

34 BACKGROUND AGRICULTURAL ASSETS TRANSFER TAX CREDIT. In  
35 2006, the general assembly enacted S.F. 2268 (2006 Iowa Acts,

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1 ch. 1161) that provides a tax credit for owners of agricultural  
2 assets (agricultural land, depreciable agricultural property,  
3 crops, or livestock) who help beginning farmers acquire  
4 those agricultural assets by lease or rental arrangements.  
5 The program is administered by the agricultural development  
6 authority (authority) established within the department of  
7 agriculture and land stewardship. A beginning farmer is an  
8 individual, partnership, family farm corporation, or family  
9 farm limited liability company as provided under Code chapter  
10 9H (Iowa's corporate farming law), with a low or moderate net  
11 worth who engages in farming or wishes to engage in farming.  
12 The owner who executes an agricultural assets transfer  
13 agreement approved by the authority may claim a tax credit  
14 against individual or corporate income tax liability after  
15 receiving a certificate issued by the authority. Generally,  
16 the lessor must be a person who may acquire or otherwise  
17 obtain or lease agricultural land under Code chapter 9H or 9I  
18 (restricting corporate and foreign ownership of agricultural  
19 land). The bill provides a number of restrictions upon the  
20 authority in approving applications and issuing certificates.  
21 The owner cannot be at fault for terminating a prior agreement,  
22 be involved in legal proceedings regarding environmental  
23 violations, or agree to provide more agricultural assets than  
24 the beginning farmer can be expected to adequately manage.  
25 The agricultural assets cannot be leased or rented at a rate  
26 substantially different from similar market arrangements. The  
27 agreement may be terminated, but if the termination is the  
28 fault of the owner, any tax credits must be repaid and no  
29 further tax credit certificates can be issued to the taxpayer.  
30 The tax credit equals 5 percent of the amount paid to the  
31 taxpayer under the agreement, except in the case of a landlord  
32 who shares in the costs associated with production. In that  
33 case, the tax credit equals 15 percent of the amount paid to  
34 the taxpayer from crops or animals sold.  
35 In 2009, the general assembly enacted S.F. 483 (2009 Iowa

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1 Acts, ch. 135), which capped the amount of tax credits to be an  
2 amount not to exceed \$6 million per year with the requirement  
3 that the certificates must be issued on a first-come,  
4 first-served basis.

5 BILL — CHANGES TO THE AGRICULTURAL ASSETS TRANSFER TAX  
6 CREDIT. The bill increases the amount of the tax credit from  
7 5 to 7 percent of the amount paid to the taxpayer except in  
8 the case of a cost-share arrangement which is increased from  
9 15 to 17 percent. The lessee cannot be issued a tax credit  
10 certificate equaling more than \$50,000.

11 BILL — AGRICULTURAL EXPANSION TAX CREDIT. The bill  
12 enacts new Code section 175.37A to provide an agricultural  
13 expansion tax credit. The tax credit is also allowed against  
14 individual or corporate income tax liability. Its purpose  
15 is to facilitate the expansion of agricultural production by  
16 qualifying beginning farmers. In order to qualify for this tax  
17 credit, a beginning farmer must be a party to an agricultural  
18 assets transfer agreement, regardless of whether the owner who  
19 is the other party to the agreement claims the agricultural  
20 assets transfer tax credit.

21 The new tax credit applies to costs incurred by the  
22 beginning farmer that are attributable to the expansion of an  
23 agricultural operation on land leased by the beginning farmer  
24 pursuant to the agreement. The amount of the tax credit is 7  
25 percent of the total amount of costs incurred by the beginning  
26 farmer for the acquisition of certain property that is used on  
27 the leased land as part of crop or livestock production. The  
28 bill establishes a minimum investment threshold of \$5,000 and  
29 requires the property to be either farm machinery or equipment  
30 or livestock (referred to as animals), so long as the number  
31 of animals increases from the prior tax year. The tax credit  
32 applies to the reasonable market value of the property which is  
33 presumed to be its purchase price.

34 The authority is required to issue a tax credit certificate  
35 to the beginning farmer to be attached to the beginning



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1 farmer's tax return. The authority cannot issue a tax credit  
2 certificate equaling more than \$50,000 in any tax year. A  
3 beginning farmer is entitled to limited carryforward but not a  
4 carryback. The beginning farmer cannot transfer the tax credit  
5 or tax credit certificate, except to an estate or trust upon  
6 the farmer's death.

7 The authority is required to adopt rules to administer the  
8 program and may allow methods for a beginning farmer to acquire  
9 or dispose of the qualified property and to review and approve  
10 applications for tax credit certificates.

11 The bill allows up to \$12 million in tax credit certificates  
12 for both the current agricultural assets transfer tax credit  
13 and the new agricultural expansion tax credit to be issued  
14 by the authority each year. Each year, the authority must  
15 allocate a percentage of certificates to support tax credits  
16 to be issued for each program, but may adjust the allocation  
17 during the year as it deems necessary. The authority must  
18 still issue tax certificates allocated under each program on a  
19 first-come, first-served basis.

20 The bill takes effect upon enactment and applies  
21 retroactively to January 1, 2013, for tax years beginning on  
22 or after that date.



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House Study Bill 70 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to certain health-related professions by making  
2 changes to licensure identification and display requirements  
3 and professional title and abbreviation restrictions and  
4 making penalties applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 147.7, Code 2013, is amended to read as  
2 follows:

3 **147.7 Display of license.**

4 1. A board ~~may~~ shall require every person licensed by the  
5 board who has a primary site of practice to display the license  
6 and evidence of current renewal publicly in a manner prescribed  
7 by the board.

8 2. ~~This section shall not apply to a~~ A person who is  
9 licensed in another state and recognized for licensure in this  
10 state pursuant to the nurse licensure compact contained in  
11 section 152E.1 or pursuant to the advanced practice registered  
12 nurse compact contained in section 152E.3. ~~A person licensed~~  
13 ~~in another state and recognized for licensure in this state~~  
14 ~~pursuant to either compact~~ who has a primary site of practice  
15 ~~shall, however, maintain~~ display a copy of a license and  
16 evidence of current renewal issued by the person's home state  
17 ~~available for inspection~~ when engaged in the practice of  
18 nursing in this state.

19 Sec. 2. Section 147.72, Code 2013, is amended to read as  
20 follows:

21 **147.72 Professional titles and abbreviations.**

22 1. a. Any person licensed to practice a profession under  
23 this subtitle may append to the person's name any recognized  
24 title or abbreviation, which the person is entitled to use,  
25 to designate the person's particular profession, but no other  
26 person shall assume or use such title or abbreviation, and no  
27 licensee shall advertise in such a manner as to lead the public  
28 to believe that the licensee is engaged in the practice of any  
29 other profession than the one which the licensee is licensed  
30 to practice.

31 b. Any advertisement for services provided by a person  
32 licensed to practice a profession under this subtitle shall  
33 clearly identify the license held by the person advertising or  
34 providing services, consistent with this subtitle.

35 2. A board shall require any person licensed to practice a

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1 profession identified under section 147.74, subsection 2, to do  
2 the following when directly engaging a member of the public in  
3 the practice of the person's profession:

4 a. Wear a form of identification consistent with rules  
5 promulgated by each applicable board, unless wearing  
6 identification creates a safety or health risk. The rules  
7 shall establish uniform minimum standards for identification.  
8 Minimum standards shall include prominent display of the  
9 professional title and abbreviation of the licensee as set  
10 forth in section 147.74.

11 b. If wearing identification creates a safety or health  
12 risk, the licensee shall verbally disclose the license the  
13 licensee holds.

14 3. Persons licensed pursuant to section 148.5 shall also  
15 comply with the requirements of subsection 2 of this section  
16 consistent with rules adopted by the board of medicine.

17 4. Failure of a licensee to comply with the requirements  
18 set forth in subsection 2 and the rules adopted thereunder may  
19 constitute a basis for board action against the licensee.

20 Sec. 3. Section 147.74, subsection 21, Code 2013, is amended  
21 to read as follows:

22 21. An advanced registered nurse practitioner licensed  
23 under chapter 152 may use the words "advanced registered nurse  
24 practitioner" or the letters "A.R.N.P." after the person's  
25 name. A registered nurse licensed under chapter 152 may use  
26 the words "registered nurse" or the letters "R.N." after the  
27 person's name. A licensed practical nurse licensed under  
28 chapter 152 may use the words "licensed practical nurse" or the  
29 letters "L.P.N." after the person's name.

30 EXPLANATION

31 This bill makes changes relating to licensure identification  
32 and display and to professional title and abbreviation  
33 restrictions for certain health-related professions.

34 The bill requires that any advertisement for services  
35 provided by a person licensed in a health-related profession

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1 clearly identify the license held by the person advertising or  
2 providing services.

3 The bill requires persons licensed in health-related  
4 professions whose professional title and abbreviation  
5 is designated by Code section 147.74 to wear a form of  
6 identification based on standards adopted by each applicable  
7 licensing board. The bill also provides that this requirement  
8 applies to resident physicians licensed under Code section  
9 148.5.

10 The bill also authorizes an advanced registered nurse  
11 practitioner to use the words "advanced registered nurse  
12 practitioner" or the acronym "A.R.N.P.". Current law provides  
13 that a person who fails to properly use the designations  
14 specified in statute is guilty of a simple misdemeanor. A  
15 simple misdemeanor is punishable by confinement for no more  
16 than 30 days or a fine of at least \$65 but not more than \$625  
17 or both.



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House Study Bill 71 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
EDUCATION/COLLEGE STUDENT  
AID COMMISSION BILL)

A BILL FOR

1 An Act relating to certain responsibilities of the college  
2 student aid commission under the federal Higher Education  
3 Act of 1965.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 8A.504, subsection 1, paragraph c,  
2 subparagraph (2), Code 2013, is amended to read as follows:

3 (2) An amount that is due because of a default on a  
4 ~~guaranteed student or parental~~ loan under chapter 261.

5 Sec. 2. Section 8A.504, subsection 4, Code 2013, is amended  
6 to read as follows:

7 4. The director shall have the authority to enter into  
8 reciprocal agreements with the departments of revenue of other  
9 states that have enacted legislation that is substantially  
10 equivalent to the setoff procedure provided in this section  
11 for the recovery of an amount due because of a default on a  
12 ~~guaranteed student or parental~~ loan under chapter 261. A  
13 reciprocal agreement shall also be approved by the college  
14 student aid commission. The agreement shall authorize the  
15 department to provide by rule for the setoff of state income  
16 tax refunds or rebates of defaulters from states with which  
17 Iowa has a reciprocal agreement and to provide for sending  
18 lists of names of Iowa defaulters to the states with which Iowa  
19 has a reciprocal agreement for setoff of that state's income  
20 tax refunds.

21 Sec. 3. Section 261.37, subsection 7, Code 2013, is amended  
22 to read as follows:

23 7. To establish an effective system for the collection  
24 of delinquent loans, including the adoption of an agreement  
25 with the department of administrative services to set off  
26 against a defaulter's income tax refund or rebate the amount  
27 that is due because of a default on a ~~guaranteed or parental~~  
28 loan made under this division. The commission shall adopt  
29 rules under chapter 17A necessary to assist the department of  
30 administrative services in the implementation of the student  
31 loan setoff program as established under section 8A.504.  
32 The commission shall apply administrative wage garnishment  
33 procedures authorized under the federal Higher Education Act of  
34 1965, as amended and codified in 20 U.S.C. § 1071 et seq., for  
35 all delinquent loans, including loans authorized under section

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1 261.38, when a defaulter who is financially capable of paying  
2 fails to voluntarily enter into a reasonable payment agreement.  
3 In no case shall the commission garnish more than the amount  
4 authorized by federal law for all loans being collected by the  
5 commission, including those authorized under section 261.38.

6 Sec. 4. Section 261.38, subsections 1, 3, and 4, Code 2013,  
7 are amended to read as follows:

8 1. The commission shall establish ~~a loan reserve account~~  
9 ~~and~~ an agency operating account as authorized by the federal  
10 Higher Education Act of 1965. The commission shall credit to  
11 ~~these accounts~~ this account all moneys provided for the state  
12 student loan program by the United States, the state of Iowa,  
13 or any of their agencies, departments, or instrumentalities,  
14 as well as any funds accruing to the program which are not  
15 required for current administrative expenses. The commission  
16 may expend moneys in the ~~loan reserve and~~ agency operating  
17 ~~accounts~~ account as authorized by the federal Higher Education  
18 Act of 1965.

19 3. Notwithstanding section 8.33, funds on deposit in the  
20 ~~loan reserve and~~ agency operating ~~accounts~~ account shall not  
21 revert to the state general fund at the close of any fiscal  
22 year.

23 4. The treasurer of state shall invest any funds, ~~including~~  
24 ~~those in the loan reserve and~~ agency operating ~~accounts~~  
25 account, and, notwithstanding section 12C.7, the interest  
26 income earned shall be credited back to the ~~appropriate~~ agency  
27 operating account.

28 Sec. 5. Section 261.38, subsection 2, Code 2013, is amended  
29 by striking the subsection.

30 Sec. 6. REPEAL. Sections 261.39 and 261.41, Code 2013, are  
31 repealed.

32 EXPLANATION

33 This bill makes changes to Code chapter 261 in response to  
34 recent changes in the federal Higher Education Act of 1965, as  
35 amended. The bill eliminates references to guaranteed student

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1 or parental loans and to the loan reserve account, and repeals  
2 related Code provisions.



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House Study Bill 72 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to water quality.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. Section 455B.103A, subsection 1, paragraph b,  
2 Code 2013, is amended to read as follows:  
3 b. Following the effective date of a general permit, a  
4 person proposing to conduct activities covered by the general  
5 permit shall provide a notice of intent to conduct a covered  
6 activity on a form provided by the department. A person shall  
7 also provide public notice of intent to conduct activities  
8 other than storm water and allowable nonstorm water discharges  
9 covered under the general permit by publishing notice in two  
10 newspapers with the largest circulation in the area in which  
11 the facility is located. Notice of the discontinuation of  
12 a permitted activity other than storm water and allowable  
13 nonstorm water discharges shall be provided in the same manner.

14 Sec. 2. Section 455B.186, Code 2013, is amended to read as  
15 follows:

16 **455B.186 Prohibited actions.**

17 1. A pollutant shall not be disposed of by dumping,  
18 depositing, or discharging such pollutant into any water of  
19 the state, except that this section shall not be construed to  
20 prohibit the discharge of adequately treated sewage, industrial  
21 waste, or other waste ~~pursuant to a permit issued by the~~  
22 ~~director~~ in accordance with rules adopted by the commission. A  
23 pollutant whether treated or untreated shall not be discharged  
24 into any state-owned natural or artificial lake except as  
25 authorized in subsection 2.

26 2. A Subsection 1 shall not be construed to prohibit the use  
27 or application of a pesticide in accordance with the federal  
28 Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136  
29 et seq. However, an aquatic pesticide shall not be applied  
30 to any water of this state which has been classified by the  
31 department as a class "A" or class "C", high quality, or high  
32 quality resource water, except that this section shall not be  
33 construed to prohibit the application of such a pesticide by a  
34 certified applicator who is trained in aquatic applications and  
35 who has received a permit from the department the United States

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1 except as authorized in accordance with rules adopted by the  
2 commission.

3 Sec. 3. Section 455B.265, subsection 1, Code 2013, is  
4 amended to read as follows:

5 1. In its consideration of applications for permits, the  
6 department shall give priority in processing to persons in the  
7 order that the applications are received, except where the  
8 application of this processing priority system prevents the  
9 prompt approval of routine applications or where the public  
10 health, safety, or welfare will be threatened by delay. If the  
11 department determines after investigation that the diversion,  
12 storage, or withdrawal is consistent with the principles and  
13 policies of beneficial use and ensuring conservation, the  
14 department shall grant a permit. An application for a permit  
15 shall be approved or denied within ninety days from the date  
16 that the department receives the complete application. A  
17 renewal permit shall be approved or denied by the department  
18 within thirty days from the date that the department receives  
19 an a complete application for renewal. If the applicant  
20 requests an extension of the time allotted, the department  
21 may approve the request to allow the applicant more time  
22 to submit additional information to resolve a contested or  
23 complex application. A complete application which is not  
24 denied or granted an extension of time within ninety days of  
25 receipt is approved by default. Regardless of the request in  
26 the application, and subject to appeal, the director or the  
27 department ~~on appeal~~ may determine the duration and frequency  
28 of withdrawal and the quantity of water to be diverted,  
29 stored, or withdrawn pursuant to the permit. Each permit  
30 granted after July 1, 1986, shall include conditions requiring  
31 routine conservation practices, and requiring implementation  
32 of emergency conservation measures after notification by the  
33 department.

34 Sec. 4. Section 466.8, Code 2013, is amended to read as  
35 follows:

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1     **466.8 On-site wastewater systems assistance program.**

2     1. The department of natural resources shall establish an  
3 on-site wastewater systems assistance program for the purpose  
4 of providing low-interest loans to homeowners ~~residing outside~~  
5 ~~the boundaries of a city~~ for improving on-site wastewater  
6 disposal systems.

7     ~~1.~~ 2. The environmental protection commission shall adopt  
8 rules for carrying out the program including but not limited  
9 to criteria for homeowner participation, the methods used to  
10 provide loans, and financing terms and limits.

11    ~~2.~~ 3. The department may make and execute agreements with  
12 public or private entities, including lending institutions  
13 as defined in section 12.32, as required to administer the  
14 program.

15    ~~3.~~ 4. Assistance provided to homeowners shall not be used  
16 to pay the nonfederal share of the cost of any wastewater  
17 system projects receiving grants under the federal Clean Water  
18 Act, 33 U.S.C. § 1381 - 1387.

19    ~~4. The department shall report to the general assembly~~  
20 ~~annually on the progress of the on-site wastewater systems~~  
21 ~~assistance program.~~

22    Sec. 5. Section 466.9, subsection 3, paragraph a,  
23 subparagraph (1), Code 2013, is amended to read as follows:

24    (1) The financing account which shall be used for the  
25 exclusive purpose of providing financing to homeowners ~~residing~~  
26 ~~outside the boundaries of a city~~ with improving on-site  
27 wastewater systems under the on-site wastewater systems  
28 assistance program.

29                                   EXPLANATION

30    This bill relates to water quality.

31    Currently, there are public notice requirements for the  
32 intent to conduct or discontinue permitted activity under  
33 certain general permits issued pursuant to Code chapter 455B,  
34 459, 459A, or 459B relating to storm water discharge or an air  
35 contaminant source. The notice must be given in two newspapers

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1 with the largest circulation in the area in which the permitted  
2 facility is located. The bill provides that storm water and  
3 allowable nonstorm water discharges are not activities that  
4 would require such notice.

5 The bill allows aquatic pesticides to be applied to waters  
6 of the United States in accordance with rules adopted by the  
7 environmental protection commission.

8 The bill allows an applicant for a permit for diversion,  
9 storage, or withdrawal of water to receive a time extension  
10 in the permitting process to provide the applicant with more  
11 time to submit additional information to resolve a contested  
12 or complex application. The bill provides that a complete  
13 application which is not denied or granted an extension of time  
14 within 90 days of receipt is approved by default.

15 Currently, a borrower under the on-site wastewater systems  
16 assistance program must reside outside the boundaries  
17 of a city. The bill eliminates the residential location  
18 requirement. The bill also eliminates an annual reporting  
19 requirement for the department under the program.



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House Study Bill 73 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to pollution prevention and waste management  
2 assistance.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 455B.481, subsections 1 through 3, Code  
2 2013, are amended to read as follows:

3 1. The purpose of this part is to promote the proper and  
4 ~~safe storage, treatment, and disposal~~ management of solid,  
5 hazardous, and low-level radioactive wastes in Iowa. The  
6 ~~management of these wastes generated within Iowa is the~~  
7 ~~responsibility of Iowans. It is the intent of the general~~  
8 ~~assembly that Iowans assume this responsibility to the extent~~  
9 ~~consistent with the protection of public health, safety, and~~  
10 ~~the environment, and that Iowans insure that waste management~~  
11 ~~practices, as alternatives to land disposal, including source~~  
12 ~~reduction, recycling, compaction, incineration, and other forms~~  
13 ~~of waste reduction, are employed.~~

14 2. ~~It is also the intent of the general assembly that a~~  
15 ~~comprehensive waste management plan be established by the~~  
16 ~~department which includes: the determination of need and~~  
17 ~~adequate regulatory controls prior to the initiation of site~~  
18 ~~selection; the process for selecting a superior site determined~~  
19 ~~to be necessary; the establishment of a process for a site~~  
20 ~~community to submit or present data, views, or arguments~~  
21 ~~regarding the selection of the operator and the technology~~  
22 ~~that best ensures proper facility operation; the prohibition~~  
23 ~~of shallow land burial of hazardous and low-level radioactive~~  
24 ~~wastes; the establishment of a regulatory framework for a~~  
25 ~~facility; and the establishment of provisions for the safe~~  
26 ~~and orderly development, operation, closure, postclosure, and~~  
27 ~~long-term monitoring and maintenance of the facility.~~

28 3. 2. In order to meet capacity assurance requirements  
29 of section 104k of the federal Superfund Amendments and  
30 Reauthorization Act of 1986, Pub. L. No. 99-499, and further  
31 the objectives of waste minimization, the The department, in  
32 cooperation with the small business assistance center at the  
33 university of northern Iowa Iowa waste reduction center for  
34 safe and economic management of solid waste and hazardous  
35 substances established in section 268.4, shall work with



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1 generators of hazardous wastes in the state to develop and  
2 implement aggressive waste minimization programs. ~~The goal~~  
3 ~~of these programs is to reduce the volume of hazardous waste~~  
4 ~~generated in the state as a whole by twenty-five percent of~~  
5 ~~the amount generated as of January 1, 1987, as reported in the~~  
6 ~~biennial reports collected by the United States environmental~~  
7 ~~protection agency. The twenty-five percent reduction goal~~  
8 ~~shall be reached as expeditiously as possible and no later than~~  
9 ~~July 1, 1994. In meeting the reduction goal, elements "a"~~  
10 ~~through "d" of the hazardous waste management hierarchy shall~~  
11 ~~be utilized. The department, in cooperation with the small~~  
12 ~~business assistance center, shall reassess the twenty-five~~  
13 ~~percent reduction goal in 1994. The department shall promote~~  
14 ~~research and development, provide and promote educational~~  
15 ~~and informational programs, promote and encourage provide~~  
16 confidential, voluntary technical assistance to hazardous waste  
17 generators, promote assistance by the ~~small business assistance~~  
18 Iowa waste reduction center, and promote other activities by  
19 the public and private sectors that support this goal. ~~In~~  
20 ~~the promotion of the goal, the following hazardous waste~~  
21 ~~management pollution prevention hierarchy, in descending order~~  
22 ~~of preference, is established by the department:~~

- 23     ~~a.~~     Source reduction for waste elimination.  
24     ~~b.~~     Reuse.  
25     ~~c.~~     On-site recycling.  
26     ~~e.,~~    d.     Off-site recycling.  
27     ~~d.,~~    e.     Waste treatment.  
28     ~~e.,~~    f.     Incineration Combustion with energy recovery.  
29     ~~f.,~~    g.     Land disposal.

30     Sec. 2. Section 455B.481, subsections 4 and 5, Code 2013,  
31 are amended by striking the subsections.

32     Sec. 3. Section 455B.482, Code 2013, is amended by adding  
33 the following new subsection:

34     NEW SUBSECTION. 7A. "Pollution prevention" means employment  
35 of a practice that reduces the industrial use of toxic

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1 substances or reduces the environmental and health hazards  
2 associated with an environmental waste without diluting or  
3 concentrating the waste before the release, handling, storage,  
4 transport, treatment, or disposal of the waste.

5 Sec. 4. Section 455B.484, Code 2013, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 1A. Implement the waste management policy  
8 provided in section 455B.481.

9 Sec. 5. Section 455B.484, subsections 2, 3, 4, 6, 7, 9, and  
10 10, Code 2013, are amended by striking the subsections.

11 Sec. 6. Section 455B.484A, subsection 1, paragraph c, Code  
12 2013, is amended to read as follows:

13 c. "Assistance program" means the ~~waste reduction assistance~~  
14 pollution prevention program of the department or of the Iowa  
15 waste reduction center for safe and economic management of  
16 solid waste and hazardous substances conducted pursuant to  
17 section 268.4.

18 Sec. 7. Section 455B.485, subsections 3 and 5, Code 2013,  
19 are amended by striking the subsections.

20 Sec. 8. Section 455B.486, subsection 1, Code 2013, is  
21 amended by striking the subsection.

22 Sec. 9. Section 455B.487, subsection 1, Code 2013, is  
23 amended to read as follows:

24 1. The commission shall adopt rules establishing criteria  
25 for the identification of land areas or sites which are  
26 suitable for the operation of facilities for the management  
27 of ~~hazardous and~~ low-level radioactive wastes. Upon request,  
28 the department shall assist in locating suitable sites for the  
29 location of a facility. The commission may purchase or condemn  
30 land to be leased or used for the operation of a facility  
31 subject to chapter 6A. Consideration for a contract for  
32 purchase of land shall not be in excess of funds appropriated  
33 by the general assembly for that purpose. The commission may  
34 lease land purchased under this section to any person including  
35 the state or a state agency. This section authorizes the state

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1 to own or operate ~~hazardous waste facilities and~~ low-level  
2 radioactive waste facilities, subject to the approval of the  
3 general assembly.

4 Sec. 10. Section 455B.487, subsection 8, Code 2013, is  
5 amended by striking the subsection.

6 Sec. 11. Section 455C.12, subsection 1, Code 2013, is  
7 amended to read as follows:

8 1. Any person violating the provisions of section 455C.2,  
9 455C.3, or 455C.5, ~~and 455C.8~~, or a rule adopted under this  
10 chapter, shall be guilty of a simple misdemeanor.

11 Sec. 12. Section 455D.1, subsections 3, 5, and 7, Code 2013,  
12 are amended by striking the subsections.

13 Sec. 13. Section 455D.1, Code 2013, is amended by adding the  
14 following new subsection:

15 NEW SUBSECTION. 4A. "*Pollution prevention techniques*" means  
16 any of the following practices employed by the user of a toxic  
17 substance:

18 a. Input substitution, which is the replacement of a toxic  
19 substance or raw material used in a production process with a  
20 nontoxic or less toxic substance.

21 b. Product reformulation, which is the substitution of an  
22 end product which is nontoxic or less toxic upon use or release  
23 for an existing end product.

24 c. Production process redesign or modification, which is  
25 the development and use of production processes of a different  
26 design other than those currently in use.

27 d. Production process modernization, which is the upgrading  
28 or replacing of existing production process equipment or  
29 methods with other equipment or methods based on the same  
30 production process.

31 e. Improved operation and maintenance of existing production  
32 process equipment and methods, which is the modification or  
33 addition to existing equipment or methods, including but not  
34 limited to such techniques as improved housekeeping practices,  
35 system adjustments, product and process inspections, and

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1 production process control equipment or methods.

2 *f.* Recycling, reuse, or extended use of toxic substances by  
3 using equipment or methods that become an integral part of the  
4 production process.

5 Sec. 14. Section 455D.3, subsections 1 and 3, Code 2013, are  
6 amended to read as follows:

7 1. ~~Year 1994 and 2000 goals~~ Waste reduction goals.

8 *a.* The goal of the state is to reduce the amount of  
9 materials in the waste stream, existing as of July 1, 1988, by  
10 an intermediate goal of twenty-five percent by July 1, 1994,  
11 and by a final goal of at least fifty percent by July 1, 2000,  
12 through the practice of waste volume reduction at the source  
13 and through recycling. For the purposes of this section, "waste  
14 stream" means the disposal of solid waste as "solid waste" is  
15 defined in section 455B.301.

16 *b.* Notwithstanding section 455D.1, subsection 6, facilities  
17 which employ combustion of solid waste with energy recovery  
18 and refuse-derived fuel, which are included in an approved  
19 comprehensive plan, may include these processes in the  
20 definition of recycling for the purpose of meeting the state  
21 goal if at least thirty-five percent of the fifty percent waste  
22 reduction goal, ~~required to be met by July 1, 2000, pursuant~~  
23 ~~to this section,~~ is met through volume reduction at the source  
24 and recycling and reuse, as established pursuant to section  
25 455B.301A, subsection 1, paragraphs "a" and "b".

26 3. Departmental monitoring.

27 *a.* ~~By October 31, 1994, a planning area shall submit to~~  
28 ~~the department a solid waste abatement table which is updated~~  
29 ~~through June 30, 1994. By April 1, 1995, the department shall~~  
30 ~~report to the general assembly on the progress that has been~~  
31 ~~made by each planning area on attainment of the July 1, 1994,~~  
32 ~~twenty-five percent goal.~~

33 ~~{1}~~ If at any time the department determines that a planning  
34 area has met or exceeded the twenty-five percent goal, but has  
35 not met or exceeded the fifty percent goal, a planning area



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1 shall subtract sixty cents from the total amount of the tonnage  
2 fee imposed pursuant to section 455B.310. If at any time the  
3 department determines that a planning area has met or exceeded  
4 the fifty percent goal, a planning area shall subtract fifty  
5 cents from the total amount of the tonnage fee imposed pursuant  
6 to section 455B.310. The reduction in tonnage fees pursuant  
7 to this ~~subparagraph~~ paragraph shall be taken from that  
8 portion of the tonnage fees which would have been allocated for  
9 funding alternatives to landfills pursuant to section 455E.11,  
10 subsection 2, paragraph "a", subparagraph (1).

11 ~~(2)~~ b. If the department determines that a planning area  
12 has failed to meet the ~~July 1, 1994~~, twenty-five percent  
13 goal, the planning area shall, ~~at a minimum, implement the~~  
14 ~~solid waste management techniques as listed in subsection~~  
15 ~~4. Evidence of implementation of the solid waste management~~  
16 ~~techniques shall be documented in subsequent comprehensive~~  
17 ~~plans submitted to the department~~ remit fifty cents per  
18 ton to the department. The moneys shall be deposited in  
19 the groundwater protection fund created in section 455E.11,  
20 subsection 2, paragraph "a", and credited to the solid waste  
21 account of the fund to be used for funding alternatives to  
22 landfills pursuant to section 455E.11, subsection 2, paragraph  
23 "a", subparagraph (1). Moneys shall continue to be remitted  
24 pursuant to this paragraph until such time as evidence of  
25 attainment of the twenty-five percent goal is documented in  
26 subsequent plans submitted to the department.

27 ~~b. (1) By October 31, 2000, a planning area shall submit to~~  
28 ~~the department, a solid waste abatement table which is updated~~  
29 ~~through June 30, 2000. By April 1, 2001, the department shall~~  
30 ~~report to the general assembly on the progress that has been~~  
31 ~~made by each planning area on attainment of the July 1, 2000,~~  
32 ~~fifty percent goal.~~

33 ~~(2)~~ c. If at any time the department determines that a  
34 planning area has met or exceeded the fifty percent goal, the  
35 planning area shall subtract fifty cents from the total amount



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1 of the tonnage fee imposed pursuant to section 455B.310. This  
2 amount shall be in addition to any amount subtracted pursuant  
3 to paragraph "a". The reduction in tonnage fees pursuant  
4 to this ~~subparagraph~~ paragraph shall be taken from that  
5 portion of the tonnage fees which would have been allocated to  
6 funding alternatives to landfills pursuant to section 455E.11,  
7 subsection 2, paragraph "a", subparagraph (1). ~~Except for fees~~  
8 ~~required under subsection 4, paragraph "a", a~~ A planning area  
9 failing to meet the fifty percent goal is not required to remit  
10 any additional tonnage fees to the department.

11 Sec. 15. Section 455D.3, subsections 2 and 4, Code 2013, are  
12 amended by striking the subsections.

13 Sec. 16. Section 455D.6, subsections 1, 6, and 7, Code 2013,  
14 are amended to read as follows:

15 1. Unless otherwise specified in this chapter, recommend  
16 rules to the commission which are necessary to implement  
17 this chapter. ~~Initial recommendations shall be made to the~~  
18 ~~commission no later than July 1, 1991.~~

19 6. Develop a strategy and recommend to the commission the  
20 adoption of rules necessary to implement a strategy for white  
21 goods and waste oil ~~by January 1, 1990.~~

22 7. Develop a strategy and recommend to the commission  
23 the adoption of rules necessary to implement ~~by January 1,~~  
24 ~~2004,~~ a strategy for the recycling of electronic goods and  
25 the disassembling and removing of toxic parts from electronic  
26 goods.

27 Sec. 17. Section 455D.6, subsections 2, 5, 8, 9, and 10,  
28 Code 2013, are amended by striking the subsections.

29 Sec. 18. Section 455D.7, subsection 1, Code 2013, is amended  
30 to read as follows:

31 1. Unless otherwise specified in this chapter, adopt rules  
32 necessary to implement this chapter pursuant to chapter 17A.  
33 ~~Initial rules shall be adopted no later than April 1, 1992.~~

34 Sec. 19. Section 455D.7, subsection 4, Code 2013, is amended  
35 by striking the subsection.

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1 Sec. 20. Section 455D.9, subsections 1, 2, 3, and 6, Code  
2 2013, are amended to read as follows:

3 1. ~~Beginning January 1, 1991, land~~ Land disposal of yard  
4 waste as defined by the department is prohibited. However,  
5 yard waste which has been separated at its source from other  
6 solid waste may be accepted by a sanitary landfill for the  
7 purposes of soil conditioning or composting.

8 2. The department shall assist local communities in the  
9 development of collection systems for yard waste generated  
10 from residences and shall assist in the establishment of  
11 local composting facilities. ~~Within one hundred twenty days~~  
12 ~~of the adoption of rules by the department regarding yard~~  
13 ~~waste, each~~ Each city and county shall, by ordinance, require  
14 persons within the city or county to separate yard waste from  
15 other solid waste generated. ~~Municipalities which provide~~  
16 ~~a collection system for solid waste shall provide for a~~  
17 ~~collection system for yard waste which is not composted.~~

18 3. The department shall ~~develop~~ adopt rules which define  
19 yard waste and provide for the safe and proper method of  
20 composting. ~~The rules adopted for a composting facility to be~~  
21 ~~located on property owned by an applicant for a permit prior~~  
22 ~~to July 1, 1992, when the property is located within twenty~~  
23 ~~miles of a metropolitan area of two hundred fifty thousand or~~  
24 ~~more, shall require that prior to the issuance of a permit for~~  
25 ~~a composting facility, the applicant shall submit an economic~~  
26 ~~impact statement to the department. For the purpose of this~~  
27 ~~subsection, "economic impact statement" means an estimate of~~  
28 ~~the economic impact of the siting of a composting facility at a~~  
29 ~~specific location on affected property owners~~ yard waste and  
30 other organic materials.

31 6. This section prohibits the ~~incineration~~ open burning of  
32 yard waste within the permitted boundary at a sanitary disposal  
33 project.

34 Sec. 21. Section 455D.12, subsection 2, unnumbered  
35 paragraph 1, Code 2013, is amended to read as follows:

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1     ~~Beginning July 1, 1992,~~ a A person shall not distribute,  
2 sell, or offer for sale in this state a plastic bottle or rigid  
3 plastic container unless the product is labeled with a code  
4 indicating the plastic resin used to produce the bottle or  
5 container. Rigid plastic bottles or rigid plastic containers  
6 with labels and basecups of a different material shall be coded  
7 by their basic material. The code shall consist of a number  
8 placed within a triangle of arrows and letters placed below the  
9 triangle of arrows. The triangle shall be equilateral, formed  
10 by three arrows with the apex of each point of the triangle  
11 at the midpoint of each arrow, rounded with a short radius.  
12 The arrowhead of each arrow shall be at the midpoint of each  
13 side of the triangle with a short gap separating the pointer  
14 from the base of the adjacent arrow. The triangle, formed by  
15 the three arrows curved at their midpoints, shall depict a  
16 clockwise path around the code number. The numbers and letters  
17 used shall be as follows:

18     Sec. 22. Section 455D.12, subsection 3, Code 2013, is  
19 amended by striking the subsection.

20     Sec. 23. Section 455D.15, subsection 2, Code 2013, is  
21 amended by striking the subsection and inserting in lieu  
22 thereof the following:

23     2. The fund shall be utilized by the department for  
24 providing technical assistance to Iowa businesses in developing  
25 and implementing pollution prevention techniques.

26     Sec. 24. Section 455D.15, subsection 3, Code 2013, is  
27 amended by striking the subsection.

28     Sec. 25. Section 455E.8, subsections 2 and 3, Code 2013, are  
29 amended by striking the subsections.

30     Sec. 26. REPEAL. Sections 455B.516, 455B.517, 455B.518,  
31 455C.8, and 455C.15, Code 2013, are repealed.

32                                   EXPLANATION

33     This bill relates to pollution prevention and waste  
34 management assistance.

35     The bill amends the waste management assistance provisions

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1 of Code chapter 455B by updating the waste management policy.  
2 The bill includes reuse and combustion with energy recovery in  
3 the pollution prevention hierarchy and removes incineration  
4 from the hierarchy.

5 The bill includes a new definition for "pollution  
6 prevention" and uses the term to replace "hazardous waste  
7 management" and "waste reduction assistance". The bill  
8 eliminates references to hazardous waste throughout Code  
9 chapter 455B, division IV, part 9, including duties of the  
10 department and the environmental protection commission relating  
11 to hazardous waste and the location, acquisition, and operation  
12 of hazardous waste management facilities.

13 The bill eliminates certain definitions from Code chapter  
14 455D for terms no longer used in the chapter.

15 Currently, the waste stream reduction goals include a 25  
16 percent reduction by July 1, 1994, and 50 percent reduction by  
17 July 1, 2000. The goals are based on the waste stream existing  
18 as of July 1, 1988. The bill eliminates the references to July  
19 1, 1994, and July 1, 2000, but retains the 25 and 50 percent  
20 goals as intermediate and final goals. The bill eliminates  
21 provisions related to the date-specific goals. The bill  
22 eliminates mandatory solid waste management techniques for  
23 planning areas that fail to meet the 25 percent reduction goal.

24 The bill eliminates many of the duties of the department in  
25 relation to waste management and includes a new general duty to  
26 implement the waste management policy.

27 The bill eliminates certain duties of the director of the  
28 department of natural resources. The bill eliminates redundant  
29 language relating to the duty of the director to receive moneys  
30 for deposit in the waste reduction and recycling trust fund.  
31 The bill eliminates duties including the providing of financial  
32 assistance for certain waste reduction and recycling markets  
33 and industries; the study of technology for the reclamation  
34 and recycling of refrigerant; and the identification of  
35 products made from recycled or recovered materials. The bill

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1 also eliminates certain expired deadlines and other outdated  
2 requirements.

3 The bill eliminates two duties of the environmental  
4 protection commission in relation to waste management policy.  
5 The duties relate to budget requests and approval of certain  
6 contracts and agreements.

7 The bill eliminates a duty of the commission to recommend  
8 to the general assembly, annually, the imposition of waste  
9 abatement fees, rebates, and deposits.

10 The bill eliminates certain municipal requirements related  
11 to yard waste. The bill eliminates certain rules requirements  
12 for composting related to economic impact statements. The bill  
13 expands the definition of composting to include yard waste and  
14 other organic materials.

15 The bill eliminates a requirement that the department  
16 maintain a list of label codes for plastic containers.

17 The bill amends provisions related to the waste volume  
18 reduction and recycling fund. The bill eliminates a  
19 requirement that grants from the fund be awarded based on the  
20 solid waste management hierarchy. The bill provides that the  
21 fund shall be utilized for purposes of providing technical  
22 assistance to Iowa businesses in developing and implementing  
23 pollution prevention techniques.

24 The bill eliminates two duties of the director of the  
25 department relating to groundwater reporting requirements.

26 The bill repeals Code sections 455B.516, 455B.517, and  
27 455B.518, which relate to the toxics pollution prevention  
28 program. The bill repeals Code section 455C.8, relating to the  
29 prohibition against snap-top cans, and Code section 455C.15,  
30 relating to the prohibition against plastic cans.



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House Study Bill 74 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LABOR BILL BY CHAIRPERSON  
FORRISTALL)

A BILL FOR

1 An Act requiring state employees to pay a portion of health  
2 insurance premium costs and including applicability  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. \_\_\_\_\_

1 Section 1. NEW SECTION. 8A.440 Group health insurance  
2 premium costs.

3     1. A state employee excluded from collective bargaining as  
4 provided in chapter 20 who is a member of a state group health  
5 insurance plan for employees of the state established under  
6 chapter 509A shall pay at least twenty percent of the total  
7 premium for such insurance.

8       2. Collective bargaining agreements entered into pursuant  
9 to chapter 20 for state employees shall provide that a state  
10 employee covered by that agreement who is a member of a  
11 state group health insurance plan for employees of the state  
12 established under chapter 509A shall pay at least twenty  
13 percent of the total premium for such insurance.

14       Sec. 2. APPLICABILITY. The provision of this Act enacting  
15 section 8A.440, subsection 2, applies to collective bargaining  
16 agreements entered into on or after the effective date of this  
17 Act.

18 EXPLANATION

19 This bill requires state employees included or excluded  
20 from collective bargaining as provided in Code chapter 20 to  
21 pay at least 20 percent of the total premium for state group  
22 health insurance. The bill provides that the requirement  
23 made applicable to state employees covered by a collective  
24 bargaining agreement applies to collective bargaining  
25 agreements entered into on or after the effective date of the  
26 bill. Current law does not specify a minimum required premium  
27 payment.



Iowa General Assembly  
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House Study Bill 75 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act relating to special assessments imposed by cities and  
2 counties and including applicability provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 331.488, subsection 3, Code 2013, is  
2 amended to read as follows:

3 3. The method of specially assessing and determining  
4 benefits and determining individual benefits, area benefits,  
5 and community benefits.

6 Sec. 2. Section 384.37, Code 2013, is amended by adding the  
7 following new subsections:

8 NEW SUBSECTION. 2A. "*Area benefit*" means the benefit  
9 derived from all or a part of a public improvement that is  
10 designated to principally serve a district and be accessible  
11 for use by all lots within the district.

12 NEW SUBSECTION. 2B. "*Community benefit*" means that portion  
13 of the total benefit derived from a public improvement designed  
14 to be used by or serve the general public and community that  
15 is in excess of the area benefit or the sum of all individual  
16 benefits, if any, including but not limited to those public  
17 improvements or parts of a public improvement specified in  
18 section 384.61, subsection 4.

19 NEW SUBSECTION. 8A. "*Individual benefit*" means that  
20 amount of the total benefit of a public improvement that is  
21 proportionate to the lot's use of the public improvement or  
22 the amount of a benefit conferred upon the individual lot by a  
23 public improvement that is intended to benefit, serve, or be  
24 used only by the lot, including but not limited to those items  
25 specified in section 384.61, subsection 3.

26 Sec. 3. Section 384.37, subsections 4 and 25, Code 2013, are  
27 amended to read as follows:

28 4. "*District*" means the lots or parts of lots within  
29 boundaries of a benefited area established by the council  
30 for the purpose of the assessment of all or part of the cost  
31 of a public improvement that is intended in whole or in part  
32 to principally serve the benefited area and to provide an  
33 individual benefit to and be accessible for use by such lots  
34 or parts of lots.

35 25. "*Street improvement*" means the construction or repair of

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1 a street by grading, paving, curbing, guttering, and surfacing  
2 with oil, oil and gravel, or chloride, ~~and~~ street lighting  
3 fixtures, connections and facilities, storm water management  
4 intakes, sewers, and facilities, and traffic-control devices,  
5 fixtures, connections, and facilities.

6 Sec. 4. Section 384.38, subsection 1, Code 2013, is amended  
7 to read as follows:

8 1. A city may, subject to the limitations of this division,  
9 assess to private property within the city the cost of  
10 construction and repair of public improvements within the  
11 city, and main sewers, sewage pumping stations, disposal and  
12 treatment plants, waterworks, water mains, extensions, and  
13 drainage conduits extending outside the city. However, such  
14 an assessment to private property, as allocated to each lot,  
15 shall not exceed that portion of the total assessment that is  
16 proportionate to the individual benefit to the lot as compared  
17 to the total benefit of the public improvement.

18 Sec. 5. Section 384.42, Code 2013, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 01. Prior to arranging for engineering  
21 services under subsection 1 and the adoption of a preliminary  
22 resolution under subsection 2, the city shall adopt an  
23 ordinance after thirty days' notice, published in accordance  
24 with section 362.3, and a public hearing, setting forth, in  
25 accordance with this division, the methodology and procedure  
26 to be used by the city for all future special assessments in  
27 determining the amount of individual benefit, area benefit, and  
28 community benefit that will result from a public improvement  
29 and a description of the manner in which the cost of a public  
30 improvement will be allocated to each category of benefit.

31 Sec. 6. Section 384.42, subsections 2 and 3, Code 2013, are  
32 amended to read as follows:

33 2. Adopt a preliminary resolution by the vote of a majority  
34 of all the members of the council, after forty-five days'  
35 notice of the preliminary resolution published in accordance



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1 with section 362.3. The preliminary resolution shall contain  
2 the following:

3     a. A description of the types or alternate types of  
4 improvement proposed.

5     b. The beginning and terminal points or general location of  
6 the proposed improvement.

7     c. An order to the engineer to prepare preliminary plans and  
8 specifications, estimated total cost of the work, and a plat  
9 and schedule, and to file them with the clerk.

10     d. A general description of the property or a designation  
11 of the lots which the council believes will be ~~specially~~  
12 individually benefited by the improvement.

13     e. A detailed description of the method used for determining  
14 benefits in accordance with the ordinance adopted under  
15 subsection 01, an estimate of the amount of individual benefit,  
16 area benefit, and community benefit that will be conferred as  
17 a result of the public improvement, and a statement of the  
18 proportion of the total cost of the public improvement that the  
19 council proposes to assess against each lot within the proposed  
20 district.

21     3. The preliminary resolution may also contain ~~the~~  
22 ~~following:~~

23     ~~a. A statement of the proportion of the total cost which~~  
24 ~~the council proposes to assess against specially benefited~~  
25 ~~property.~~

26     ~~b. A~~ a short and convenient designation for the public  
27 improvement by which it may be referred to in all subsequent  
28 proceedings.

29     Sec. 7. Section 384.44, Code 2013, is amended to read as  
30 follows:

31     **384.44 Estimated cost.**

32     The estimated total cost of any public improvement  
33 constructed under this part must include all of the items  
34 of cost listed in section 384.37, subsection 26, which the  
35 council proposes to include as a part of the cost of the public

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1 improvement, and may include an item to be known as the default  
2 fund amounting to not more than ten percent of the portion of  
3 the total cost of the improvement which the council proposes to  
4 assess against ~~specialy~~ individually benefited property.

5 Sec. 8. Section 384.47, subsections 3 through 5, Code 2013,  
6 are amended to read as follows:

7 3. The total amount proposed to be assessed to each  
8 lot according to the method described in the preliminary  
9 resolution, including the assessment for the default fund, if  
10 any.

11 4. The proportion of the estimated total cost of the public  
12 improvement which is allocated to each lot as an individual  
13 benefit.

14 5. The amount of deficiency, if any, between the amount  
15 proposed to be assessed and the proportion of the estimated  
16 total cost of the public improvement allocated to each lot  
17 as an individual benefit. The amount of deficiency shall be  
18 shown as a conditional deficiency assessment as authorized by  
19 sections 384.60, 384.62 and 384.63.

20 Sec. 9. Section 384.51, unnumbered paragraph 2, Code 2013,  
21 is amended to read as follows:

22 An amendment which extends the boundaries of a district,  
23 increases the amount to be assessed against a lot, or adds  
24 additional public improvements, is not effective until an  
25 amended ordinance, if necessary, plat, schedule, and estimate  
26 have been prepared and adopted, a notice published and  
27 mailed to all affected property owners, and hearing held in  
28 the same manner as the original proceedings, or until all  
29 affected property owners agree in writing to the change.  
30 The adoption of a resolution of necessity is a legislative  
31 determination that the improvement is expedient and proper and  
32 that property assessed will be ~~specialy~~ individually benefited  
33 by the improvement and this determination of the council  
34 is conclusive. Ownership of property to be assessed by an  
35 improvement does not, except for fraud or bad faith, disqualify

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1 a council member from voting on any measure.

2 Sec. 10. Section 384.54, subsection 15, Code 2013, is  
3 amended to read as follows:

4 15. ~~a. The cost of all court proceedings are a legitimate~~  
5 ~~item of expense in connection with a public improvement,~~  
6 ~~and may be included within the final assessment against any~~  
7 ~~property specially benefited in the assessment district.~~

8 ~~b.~~ Whenever on a hearing by the court, the amount of any  
9 assessment is reduced or canceled so that there is a deficiency  
10 in the total amount remaining assessed in the proceeding, the  
11 court may assess the deficiency to the city or distribute the  
12 deficiency upon the other ~~property abutting upon or adjacent to~~  
13 ~~the improvement or~~ lots benefiting from the improvement in the  
14 district assessed, in a manner ~~the court finds to be just and~~  
15 ~~equitable~~ consistent with this chapter, not exceeding, however,  
16 the amount the ~~property lot~~ would be ~~specially~~ individually  
17 benefited by the improvement, and not exceeding twenty-five  
18 percent of the value of the lot as shown by the plat and  
19 schedule of assessments or as reduced by the court.

20 Sec. 11. Section 384.61, Code 2013, is amended to read as  
21 follows:

22 **384.61 Assessment of benefits.**

23 1. The total cost of a public improvement, except for  
24 paving that portion of a street lying between railroad  
25 tracks and one foot outside of the tracks, or which is to  
26 be otherwise paid, must may be assessed against all lots  
27 within the assessment district in accordance with the special  
28 individual benefits conferred upon the property, and not in  
29 excess of such benefits. That portion of the total cost of  
30 a public improvement that is not assessed to individual lots  
31 in the district as the result of individual benefits shall be  
32 attributable to the community benefit and shall be paid by the  
33 city.

34 2. A lot that is subject to a special assessment may be  
35 divided into two or more lots for assessment purposes upon the



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1 request or consent of the property owner in order to separate  
2 existing building sites from those portions of the lot that are  
3 used for agricultural purposes or vacant land to be reserved  
4 for development purposes. If an owner of property subject to  
5 special assessment divides the property into two or more lots,  
6 and if the plan of division is approved by the council, the  
7 owner may discharge the lien upon any of the lots by payment of  
8 the amount unpaid, calculated as determined by the council.

9 3. All of the following public improvements are presumed to  
10 confer an individual benefit on a lot within a district:

11 a. A public improvement that benefits, serves, or that  
12 is intended for use by only one lot, unless such public  
13 improvement is replacing an existing public improvement of  
14 acceptable or working quality and is required as a result of  
15 work on or repair of another public improvement that does not  
16 benefit, serve, or that is not intended for use by only that  
17 lot.

18 b. A sidewalk upon a lot that is single-family residential  
19 property located along the frontage of the lot not to exceed  
20 four feet in width at a standard thickness.

21 c. A sidewalk upon a lot that is commercial property,  
22 industrial property, multifamily residential property, or  
23 property owned by a business entity as defined in section  
24 501A.102, located along the street frontage of the lot not to  
25 exceed six feet in width at a standard thickness.

26 d. Underground gas, water, heating, sanitary sewer, storm  
27 sewer, and electrical connections and accessories located in a  
28 public street right-of-way and that serve only the lot.

29 e. The portion of an area benefit which is proportionate  
30 to a lot's forecasted use of the public improvement as a share  
31 of the forecasted use of the public improvement by all lots in  
32 the district.

33 4. All of the following public improvements are presumed to  
34 confer a community benefit:

35 a. A public improvement or part of a public improvement that

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1 is designed, constructed, or intended, due to additional size,  
2 standards, facilities, or structures, for use by or to serve  
3 property outside the district or the general public.  
4 b. A sidewalk or recreational trail, or part thereof, that  
5 is part of a community-wide public recreational trail system.  
6 c. The portion of a sidewalk that exceeds the portion of  
7 the sidewalk that provides an area benefit or presumed to be an  
8 individual benefit under subsection 3, paragraph "b" or "c".  
9 d. Notwithstanding any provision of this division to the  
10 contrary, the planning, legal, administrative, engineering, and  
11 inspection costs for that portion of the public improvement  
12 that is a community benefit and all city employee salary costs  
13 associated with the public improvement.  
14 5. a. Notwithstanding any other provision in this  
15 division to the contrary, each city undertaking the repair  
16 or construction of a public improvement that includes a  
17 street improvement paid for in whole or in part by a special  
18 assessment shall, prior to the preparation of the schedule  
19 under section 384.47, complete a vehicle traffic analysis and  
20 forecast for the location of the proposed street improvement  
21 that includes but is not limited to the following:  
22 (1) A determination of the amount of vehicle traffic  
23 forecasted to be generated from each lot or part of a lot  
24 within the district for use in determining both the individual  
25 benefits and area benefits.  
26 (2) A determination of both the vehicle traffic forecasted  
27 to be generated by existing sources outside of the district  
28 after completion of the street improvement and the vehicle  
29 traffic forecasted to be generated from land development  
30 projects and uses outside of the district that are or will  
31 be developed concurrently, in conjunction with, or following  
32 completion of the street improvement for use in determining the  
33 community benefit.  
34 b. Those portions of the vehicle traffic analysis and  
35 forecast relating to the amount of vehicle traffic generated



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1 by each lot or part of a lot in the district after completion  
2 of the street improvement shall be based on the estimated  
3 development of such lots or parts of lots within ten years  
4 after completion of the street improvement. The estimate of  
5 the extent of development shall be made in accordance with  
6 development estimates and trends of similar property in the  
7 local area, the zoning and use restrictions imposed on or  
8 proposed for the property, and the availability of necessary  
9 infrastructure to develop the property. In addition to actual  
10 vehicle traffic data available to the city, the vehicle traffic  
11 analysis and forecast shall be completed using the most current  
12 trip generation data from the institute of transportation  
13 engineers for planned land uses or another generally recognized  
14 organization.

15 c. The individual benefit accruing to each lot within  
16 the district as the result of the street improvement shall  
17 not exceed the percentage of the area benefit from the  
18 street improvement that is proportionate to the lot's  
19 forecasted amount of traffic generated as it bears to the  
20 total forecasted amount of vehicle traffic generated in the  
21 district. Additionally, in no case shall a lot or a part of a  
22 lot be assessed for the improvements to a major road, including  
23 but not limited to a road classified as an arterial road,  
24 classified as a major collector road, or a road previously  
25 under the jurisdiction of a county, if such lot or part of a lot  
26 was previously assessed for improvements to another such major  
27 road.

28 Sec. 12. Section 384.63, subsection 2, Code 2013, is amended  
29 to read as follows:

30 2. The council shall, by resolution, provide that the  
31 deficiencies for the lots ~~sepecially~~ individually benefited by a  
32 public improvement shall be certified to the county treasurer,  
33 who shall record them in the county system as "special  
34 assessment deficiencies", and to the appropriate city official  
35 charged with the responsibility of issuing building permits,



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1 who shall notify the council when a private improvement is  
2 subsequently constructed on any lot subject to a deficiency.  
3 Certification to the county treasurer shall include a legal  
4 description of each lot. The period of amortization for a  
5 public improvement for which there are deficiencies shall  
6 commence with the adoption of the resolution of necessity  
7 and extend for the same period for which installments of  
8 assessments for the project are made payable. Deficiencies may  
9 be assessed only during the period of amortization, which shall  
10 also be certified to the county treasurer and the city official  
11 charged with the responsibility of issuing building permits.  
12 Certification to the county treasurer shall include a legal  
13 description of each lot.

14 Sec. 13. APPLICABILITY. This Act applies to public  
15 improvements undertaken on or after July 1, 2013.

16 EXPLANATION

17 This bill relates to special assessments imposed by cities  
18 and counties on private property for the cost of a public  
19 improvement.

20 The bill establishes definitions of "community benefit",  
21 "area benefit", and "individual benefit" under Code chapter  
22 384, division IV. The bill also adds storm water management  
23 intakes, sewers, and facilities and traffic-control devices,  
24 fixtures, connections, and facilities to the definition of  
25 "street improvement" under Code section 384.37.

26 The bill amends the definition of "district" in Code section  
27 384.37 to mean the lots or parts of lots within boundaries of  
28 a benefited area established by the council for the purpose  
29 of the assessment of all or part of the cost of a public  
30 improvement that is intended in whole or in part to principally  
31 serve the benefited area and to provide an individual benefit  
32 to and be accessible for use by such lots or parts of lots.

33 The bill provides that assessments to private property,  
34 as allocated to each lot, shall not exceed that portion of  
35 the total assessment that is proportionate to the individual



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1 benefit to the lot as compared to the total benefit of the  
2 public improvement.

3 The bill requires that before a city initiates proceedings  
4 to construct or repair a public improvement to be paid for  
5 in whole or in part by a special assessment and prior to  
6 securing the services of an engineer and prior to the adoption  
7 of a preliminary resolution related to a public improvement,  
8 a city must adopt an ordinance, after specified notices and  
9 a hearing, setting forth the methodology and procedure to  
10 be used by the city for all future special assessments in  
11 determining the amount of individual benefit, area benefit, and  
12 community benefit that will result from a public improvement  
13 and a description of the manner in which the cost of a public  
14 improvement will be allocated to each category of benefit.

15 The bill requires that 45 days' notice of a preliminary  
16 resolution be published prior to adoption of the preliminary  
17 resolution related to a public improvement. The bill requires  
18 the preliminary resolution to contain a detailed description  
19 of the method used for determining benefits, in accordance  
20 with the ordinance required to be adopted in the bill, an  
21 estimate of the amount of individual benefit, area benefit,  
22 and community benefit that will be conferred as a result of  
23 the public improvement, and a statement of the proportion of  
24 the total cost of the public improvement which the council  
25 proposes to assess against each lot within the proposed special  
26 assessment district.

27 The bill strikes the provision of Code section 384.54 that  
28 designated the cost of all court proceedings to be a legitimate  
29 item of expense in connection with a public improvement and  
30 allowed such costs to be included within the final assessment  
31 against any property specially benefited in the assessment  
32 district.

33 The bill specifies that the total cost of a public  
34 improvement, except for certain paving near railroad tracks  
35 or improvements to be otherwise paid, may be assessed against

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1 all lots within the assessment district in accordance with the  
2 individual benefits conferred upon the property, and not in  
3 excess of such benefits. The bill provides that the portion  
4 of the total cost of a public improvement that is not assessed  
5 to individual lots as the result of individual benefits is  
6 attributable to the community benefit and shall be paid by the  
7 city.

8 The bill allows a lot that is subject to a special assessment  
9 to be divided into two or more lots for assessment purposes  
10 upon the request or consent of the property owner in order to  
11 separate existing building sites from those portions of the lot  
12 that are used for agricultural purposes or vacant land to be  
13 reserved for development purposes.

14 The bill designates certain public improvements that are  
15 presumed to confer an individual benefit and designates certain  
16 public improvements that are presumed to confer a community  
17 benefit. Under the bill, the planning, legal, administrative,  
18 engineering, and inspection costs for that portion of the  
19 public improvement that is a community benefit and all city  
20 employee salary costs associated with the public improvement  
21 are presumed to confer a community benefit.

22 The bill requires each city undertaking the repair or  
23 construction of a public improvement that includes a street  
24 improvement, as defined in the bill, and paid for in whole  
25 or in part by a special assessment, to complete a vehicle  
26 traffic analysis and forecast for the location of the proposed  
27 street improvement that includes but is not limited to: (1)  
28 a determination of the amount of vehicle traffic forecasted  
29 to be generated from each lot or part of a lot within the  
30 proposed district for use in determining both the individual  
31 benefits and the area benefit; and (2) a determination of both  
32 the vehicle traffic forecasted to be generated by existing  
33 sources outside of the district after completion of the street  
34 improvement and the vehicle traffic forecasted to be generated  
35 from land development projects and uses outside of the district

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1 that are or will be developed concurrently, in conjunction  
2 with, or following completion of the street improvement for use  
3 in determining the community benefit.

4 The bill provides that those portions of the vehicle traffic  
5 analysis and forecast relating to the amount of vehicle traffic  
6 generated by each lot or part of a lot in the district after  
7 completion of the street improvement shall be based on the  
8 estimated development of such lots or parts of lots within 10  
9 years after completion of the street improvement. The estimate  
10 of the extent of development shall be made in accordance with  
11 development estimates and trends of similar property in the  
12 local area, the zoning and use restrictions imposed on or  
13 proposed for the property, and the availability of necessary  
14 infrastructure to develop the property.

15 In addition to actual vehicle traffic data available  
16 to the city, the bill requires that the vehicle traffic  
17 analysis and forecast must be completed using the most current  
18 trip generation data from the institute of transportation  
19 engineers for planned land uses or another generally recognized  
20 organization.

21 The bill specifies that the individual benefit accruing  
22 to each lot within the district as the result of the street  
23 improvement shall not exceed the percentage of the area benefit  
24 from the street improvement that is proportionate to the lot's  
25 forecasted amount of traffic generated as it bears to the total  
26 forecasted amount of vehicle traffic generated in the district.

27 The bill also specifies that in no case shall a lot or a  
28 part of a lot be assessed for the improvements to a major road,  
29 including but not limited to a road classified as an arterial  
30 road or a major collector road, or a road previously under the  
31 jurisdiction of a county, if such lot or part of a lot was  
32 previously assessed for improvements to another such major  
33 road.

34 By operation of law, the bill modifies similar provisions  
35 relating to the authority of a county to assess to property the

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1 costs of a public improvement under Code chapter 331 and the  
2 authority of a sanitary district under Code chapter 358.

3 This Act applies to public improvements undertaken on or  
4 after July 1, 2013.



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House Study Bill 76 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act modifying provisions applicable to the propane education  
2 and research council and increasing an assessment.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 101C.3, subsection 3, Code 2013, is  
2 amended to read as follows:

3 3. The following persons shall be ex officio, nonvoting  
4 members of the council designated for three-year terms as  
5 follows:

6 ~~a. A professional fire fighter designated by the Iowa~~  
7 ~~association of professional fire chiefs.~~

8 ~~b. a.~~ A volunteer fire fighter designated by the Iowa  
9 firefighters association.

10 ~~c. An experienced plumber involved in plumbing training~~  
11 ~~programs designated by the Iowa state building and construction~~  
12 ~~trades council.~~

13 ~~d. A heating, ventilation, and air conditioning professional~~  
14 ~~involved in heating, ventilation, and air conditioning training~~  
15 ~~programs designated by the Iowa state building and construction~~  
16 ~~trades council.~~

17 ~~e. b.~~ A community college instructor with experience  
18 in conducting fire safety programs designated by the Iowa  
19 association of community college presidents.

20 ~~f. c.~~ A representative of a property and casualty insurance  
21 company with experience in insuring sellers of propane gas  
22 designated by the Iowa insurance institute.

23 Sec. 2. Section 101C.3, subsection 5, Code 2013, is amended  
24 to read as follows:

25 5. A council member shall serve a term of three years  
26 ~~and shall not serve more than two full consecutive terms. A~~  
27 ~~council member filling an unexpired term may serve not more~~  
28 ~~than a total of seven consecutive years. A former council~~  
29 ~~member may be appointed to the council if the former member has~~  
30 ~~not been a member of the council for a period of at least two~~  
31 ~~years.~~

32 Sec. 3. Section 101C.4, subsection 1, Code 2013, is amended  
33 to read as follows:

34 1. The council and its activities shall be funded by an  
35 annual assessment. Upon establishment of the council and each

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1 year thereafter the annual assessment shall be made at a rate  
2 of ~~one-tenth~~ two-tenths of one cent on each gallon of odorized  
3 propane sold.

4 Sec. 4. REPEAL. Section 101C.14, Code 2013, is repealed.

5 EXPLANATION

6 This bill modifies provisions applicable to the propane  
7 education and research council established in Code chapter  
8 101C.

9 The bill eliminates three ex officio, nonvoting members  
10 from the council. The eliminated members represent a  
11 professional fire fighter designated by the Iowa association  
12 of professional fire chiefs, an experienced plumber involved  
13 in plumbing training programs designated by the Iowa state  
14 building and construction trades council, and a heating,  
15 ventilation, and air conditioning professional involved in  
16 heating, ventilation, and air conditioning training programs  
17 designated by the Iowa state building and construction trades  
18 council.

19 The bill eliminates provisions specifying term limits  
20 and reappointment requirements. The bill additionally  
21 increases the annual assessment which funds the council and  
22 its activities from the current level of one-tenth of one cent  
23 on each gallon of odorized propane sold, to two-tenths of one  
24 cent.

25 Further, the bill repeals a provision which repealed the  
26 chapter effective December 31, 2014.



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House Study Bill 77 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON BYRNES)

A BILL FOR

1 An Act relating to the termination or noncontinuance of an  
2 agreement or franchise between motor vehicle franchisers and  
3 motor vehicle dealers.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1764YC (2) 85  
ad/nh



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H.F. \_\_\_\_\_

1 Section 1. Section 322A.1, subsection 11, Code 2013, is  
2 amended to read as follows:

3 11. "*Termination or noncontinuance*" includes a ~~reduction~~  
4 material alteration of the geographic area of a community.

5 EXPLANATION

6 This bill relates to the termination or noncontinuance of  
7 an agreement or franchise between a motor vehicle franchiser  
8 and a motor vehicle dealer. The bill amends the scope of the  
9 definition of "termination or noncontinuance" of a franchise  
10 from including a reduction of the geographic area of a  
11 franchisee's area of responsibility to include the material  
12 alteration of the geographic area of a franchisee's area of  
13 responsibility.



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**Senate File 54 - Introduced**

SENATE FILE 54  
BY ZAUN

**A BILL FOR**

1 An Act providing for a waiver of tuition and mandatory fees at  
2 regents universities for Iowa national guard members who are  
3 residents of Iowa.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1806XS (1) 85  
kh/sc



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S.F. 54

1 Section 1. Section 262.9, subsection 17, Code 2013, is  
2 amended by adding the following new paragraph:  
3 NEW PARAGRAPH. c. (1) Direct each institution of higher  
4 learning governed by the board to waive tuition and mandatory  
5 fee charges to a member of the Iowa national guard who is a  
6 resident of this state or who was a resident of this state  
7 at the time of entry into the Iowa national guard. Tuition  
8 and mandatory fees shall be waived for not more than one  
9 hundred twenty-eight semester credit hours or eight semesters  
10 of undergraduate study, or the equivalent. The limitation  
11 on credit hours and semesters of study shall be applied  
12 cumulatively within the regents university system. The waiver  
13 shall apply only for the amount of tuition and mandatory fee  
14 charges that exceeds the total amount of any state and federal  
15 education benefits, grants, or scholarships the national guard  
16 member is eligible for or receives, including but not limited  
17 to the federal Pell grant, federal educational assistance  
18 for the selected reserve, and the national guard educational  
19 assistance program under section 261.86.  
20 (2) The department of veterans affairs and the college  
21 student aid commission shall provide information and assistance  
22 to such an institution upon request.

23 EXPLANATION

24 This bill requires the state board of regents to direct each  
25 of its universities to waive tuition and mandatory fee charges  
26 to a member of the Iowa national guard who is a resident of this  
27 state or who was a resident of this state at the time of entry  
28 into the Iowa national guard.

29 Tuition and mandatory fees shall be waived for not more than  
30 128 semester credit hours or eight semesters of undergraduate  
31 study within the regents university system. The waiver  
32 shall apply only for the amount of tuition and mandatory fee  
33 charges that exceeds the total amount of any state and federal  
34 education benefits, grants, or scholarships the national guard  
35 member is eligible for or receives.

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S.F. 54

1     The department of veterans affairs and the college student  
2 aid commission must provide information and assistance to a  
3 regents university upon request.



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**Senate File 55 - Introduced**

SENATE FILE 55  
BY ZAUN

**A BILL FOR**

1 An Act concerning the retention of existing highway rest areas.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1793XS (1) 85  
dea/sc





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S.F. 55

1 Section 1. **NEW SECTION. 313.69 Rest area construction —**  
2 **retention of existing rest areas.**

3 Before a decision is made to build a new rest area, the  
4 department shall conduct a thorough cost-benefit analysis  
5 to compare the cost of locating and constructing a new rest  
6 area and the cost of keeping an existing rest area open.  
7 The department shall consider all available options for  
8 reconstructing, expanding, or otherwise improving an existing  
9 rest area in accordance with section 306C.21 and shall not  
10 proceed with construction of a new rest area unless it is  
11 determined that making improvements to the existing rest area  
12 would be cost prohibitive.

13 **EXPLANATION**

14 This bill requires the department of transportation to  
15 conduct a cost-benefit analysis before proceeding with  
16 construction of a new rest area along an interstate, freeway  
17 primary, or primary highway. The department is to consider all  
18 available options for reconstructing, expanding, or otherwise  
19 improving existing rest areas and may not proceed with new  
20 construction unless it is determined that making improvements  
21 to the existing rest area would be cost prohibitive.



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**Senate File 56 - Introduced**

SENATE FILE 56  
BY ZAUN

**A BILL FOR**

1 An Act authorizing a school district to adopt a mandatory  
2 uniform policy.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1766XS (2) 85  
kh/sc



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S.F. 56

1 Section 1. Section 279.58, subsection 1, Code 2013, is  
2 amended by striking the subsection.  
3 Sec. 2. Section 279.58, subsection 2, Code 2013, is amended  
4 to read as follows:  
5 2. The board of directors of a school district may adopt,  
6 for the district or for an individual school within the  
7 district, a mandatory uniform policy or a dress code policy  
8 ~~that prohibits students from wearing gang-related or other~~  
9 ~~specific apparel~~ if the board determines that the such a policy  
10 is necessary for the health, safety, or positive educational  
11 environment of students and staff in the school environment or  
12 for the appropriate discipline and operation of the school.  
13 3. Adoption and enforcement of a mandatory uniform policy  
14 or a dress code policy pursuant to this section is not a  
15 violation of section 280.22 if the policy is viewpoint neutral,  
16 is reasonably related to legitimate pedagogical concerns, or  
17 protects students from sexually explicit, indecent, or lewd  
18 speech.

19 EXPLANATION

20 This bill authorizes a school district to adopt, for the  
21 school district or for an individual school, a mandatory  
22 uniform policy, in addition to the dress code policy currently  
23 authorized by the Code, if the board determines that such  
24 a policy is necessary for the health, safety, or positive  
25 educational environment of students and staff in the school  
26 environment or for the appropriate discipline and operation of  
27 the school.

28 The bill provides that such policies are not a violation  
29 of Code section 280.22, which establishes that public school  
30 students have the right to exercise freedom of speech, if  
31 the policy is viewpoint neutral, is reasonably related to  
32 legitimate pedagogical concerns, or protects students from  
33 sexually explicit, indecent, or lewd speech.

34 The bill eliminates the general assembly's findings and  
35 declarations regarding a dress code policy.

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**Senate File 57 - Introduced**

SENATE FILE 57  
BY ZAUN

**A BILL FOR**

1 An Act relating to reserve peace officers approved and  
2 certified to carry weapons in the line of duty and  
3 nonprofessional permits to carry weapons.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rh/sc



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S.F. 57

1 Section 1. NEW SECTION. 80D.7A Nonprofessional permit to  
2 carry weapons.

3 Notwithstanding sections 724.7 through 724.11, a member  
4 of a reserve force who is approved by the governing body and  
5 certified by the Iowa law enforcement academy council to carry  
6 weapons in the line of duty shall be issued a nonprofessional  
7 permit to carry weapons.

8 EXPLANATION

9 This bill provides that a reserve peace officer who is  
10 approved by the appropriate governing body and certified by the  
11 Iowa law enforcement academy council to carry weapons in the  
12 line of duty shall be issued a nonprofessional permit to carry  
13 weapons.

14 Under current law, a person who is not disqualified  
15 under Code section 724.8 who satisfies the firearm training  
16 requirements of Code section 724.9 and who files an application  
17 pursuant to Code sections 724.10 and 724.11 shall be issued  
18 a nonprofessional permit to carry weapons under Code section  
19 724.7.



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**Senate File 58 - Introduced**

SENATE FILE 58  
BY ZAUN

**A BILL FOR**

1 An Act relating to liability cases involving licensed  
2 professionals.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1894XS (2) 85  
rh/nh



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S.F. 58

1 Section 1. Section 668.11, Code 2013, is amended to read as  
2 follows:

3 ~~668.11 Disclosure of expert witnesses in liability~~ Liability  
4 ~~cases involving licensed professionals — expert witnesses —~~  
5 ~~malicious prosecution — abuse of process.~~

6 1. a. A party in a professional liability case brought  
7 against a licensed professional pursuant to this chapter who  
8 intends to call an expert witness of their own selection, shall  
9 certify to the court and all other parties the expert's name,  
10 qualifications, and the purpose for calling the expert within  
11 the following time period:

12 ~~a.~~ (1) The plaintiff within one hundred eighty days of the  
13 defendant's answer unless the court for good cause not ex parte  
14 extends the time of disclosure.

15 ~~b.~~ (2) The defendant within ninety days of plaintiff's  
16 certification.

17 ~~2. b.~~ If a party fails to disclose an expert pursuant to  
18 ~~subsection 1 paragraph "a"~~ or does not make the expert available  
19 for discovery, the expert shall be prohibited from testifying  
20 in the action unless leave for the expert's testimony is given  
21 by the court for good cause shown.

22 ~~3. This section does not apply to court appointed experts or~~  
23 ~~to rebuttal experts called with the approval of the court.~~

24 c. A party shall disclose the following information for  
25 each expert witness whose testimony the party anticipates using  
26 at trial or for each expert witness upon whose opinion the  
27 opinions or conclusions of any expert witness whose testimony  
28 is anticipated for use at trial is based:

29 (1) A written report prepared and signed by the expert.

30 (2) A complete statement of all opinions the expert  
31 is expected to express and the basis and reasons for such  
32 opinions.

33 (3) A complete statement of the data or other information  
34 considered by the expert in forming the expert's opinions.

35 (4) Any exhibits or other tangible materials considered by

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1 the expert in forming the expert's opinions.  
2 (5) The expert's qualifications including a list of all  
3 publications authored by the expert in the previous ten years.  
4 (6) A list of all other cases in which the expert has  
5 testified as an expert and not as a party in the previous ten  
6 years.  
7 (7) All of the following:  
8 (a) The relationship between the expert and the party  
9 including the party's attorney, insurer, or surety, including,  
10 at a minimum, a description of all matters for which the expert  
11 has been used as a consultant or trial expert for the party.  
12 (b) The compensation paid to the expert for each matter on  
13 which the expert has been consulted and the annual compensation  
14 paid to the expert during the previous ten years by the party  
15 designating the expert.  
16 d. The disclosures described in paragraph "c" shall be  
17 admissible as evidence subject only to such evidentiary  
18 objections as would otherwise apply to the information.  
19 2. This section does not apply to court-appointed experts or  
20 to rebuttal experts called with the approval of the court.  
21 3. a. A licensed professional subject to a claim for  
22 negligence or other unintentional misconduct shall have a cause  
23 of action for malicious prosecution in a subsequent claim  
24 against the person who brought such claim and their attorney,  
25 or both, if all of the following occur:  
26 (1) The original claim was dismissed as to the licensed  
27 professional or the trier of fact found that the conduct of  
28 the licensed professional was not the proximate cause of the  
29 claimant's or plaintiff's damages.  
30 (2) The trier of fact found that the person who brought the  
31 claim against the licensed professional lacked probable cause  
32 to do so at the time the original action against the licensed  
33 professional was commenced.  
34 b. The licensed professional's damages may include but  
35 are not limited to attorney fees, expert witness fees, travel

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1 expenses, and the value of the time spent preparing for or  
2 participating in the defense of the original claim against the  
3 licensed professional.

4 4. Any party who has successfully brought a claim for  
5 professional liability against a licensed professional shall  
6 have a cause of action for abuse of process when all of the  
7 following conditions exist:

8 a. The professional liability action proceeded to trial and  
9 was not resolved by settlement prior to an initial decision by  
10 the trier of fact in favor of the person bringing the action  
11 against the licensed professional.

12 b. The trier of fact awarded damages and those damages  
13 exceed the final settlement demand of the person so demanding  
14 by more than one hundred percent.

15 EXPLANATION

16 This bill relates to liability cases involving licensed  
17 professionals.

18 EXPERT WITNESSES. The bill amends current law relating  
19 to the disclosure of an expert witness in a liability case  
20 involving a licensed professional to require a party who  
21 expects to call an expert witness at trial or upon which the  
22 opinions or conclusions of the expert witness are based to  
23 include certain specific information including the expert's  
24 qualifications, a written report, data, and other expertise the  
25 expert intends to rely on, as well as information relating to  
26 any relationship between the expert and the party including, at  
27 a minimum, a description of all matters for which the expert  
28 has been used as a consultant or trial expert for the party,  
29 and the compensation paid to the expert for each matter on  
30 which the expert has been consulted and the annual compensation  
31 paid to the expert during the previous 10 years by the party  
32 designating the expert. The bill provides that the disclosures  
33 required in the bill shall be admissible as evidence subject  
34 only to such evidentiary objections as would otherwise apply to  
35 the information. The bill does not apply to court-appointed

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1 experts or to rebuttal experts called with the approval of the  
2 court.

3 MALICIOUS PROSECUTION. The bill provides that a licensed  
4 professional subject to a claim for negligence or other  
5 unintentional misconduct has a cause of action for malicious  
6 prosecution in a subsequent claim against the person who  
7 brought such claim and their attorney, or both, if the  
8 original claim was dismissed as to the licensed professional  
9 or the trier of fact found that the conduct of the licensed  
10 professional was not the proximate cause of the claimant's  
11 or plaintiff's damages and the trier of fact found that the  
12 original plaintiff who brought the claim against the licensed  
13 professional lacked probable cause to do so at the time  
14 the original action against the licensed professional was  
15 commenced. The licensed professional's damages may include but  
16 are not limited to attorney fees, expert witness fees, travel  
17 expenses, and the value of the time spent preparing for or  
18 participating in the defense of the original claim against the  
19 licensed professional.

20 ABUSE OF PROCESS. The bill provides that any party who has  
21 successfully brought a claim for professional liability against  
22 a licensed professional shall have a cause of action for abuse  
23 of process when the professional liability action proceeded to  
24 trial and was not resolved by settlement prior to an initial  
25 decision by the trier of fact in favor of the person bringing  
26 the action against the licensed professional and the trier  
27 of fact awarded damages and those damages exceed the final  
28 settlement demand of the person so demanding by more than 100  
29 percent.



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**Senate File 59 - Introduced**

SENATE FILE 59  
BY DEARDEN

**A BILL FOR**

1 An Act relating to the keeping of farm deer and preserve  
2 whitetail and including penalties and applicability  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

FARM DEER

Section 1. Section 170.1, subsection 5, Code 2013, is amended to read as follows:

5. ~~"Fence"~~ "Fencing" means a boundary perimeter fence and a secondary fence which encloses farm deer within a landowner's property as required to be constructed and maintained pursuant to section 170.4.

Sec. 2. Section 170.2, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. Advise the department about the administration and enforcement of this chapter, including but not limited to consulting with the department regarding the rules adopted under this chapter, the registration of landowners, the certification of ~~fences~~ fencing, and disciplinary actions. However, the council shall not control policy decisions or direct the administration or enforcement of this chapter.

Sec. 3. Section 170.3, subsection 1, Code 2013, is amended to read as follows:

1. Farm deer are livestock as provided in this title and are principally subject to regulation by the department of agriculture and land stewardship, and also the department of natural resources as specifically provided in this chapter. The regulations adopted by the department of agriculture and land stewardship ~~may~~ shall include but are not limited to providing for the importation, transportation, and disease control of farm deer and for fencing certification and registration requirements under this chapter. The department of natural resources shall not require that the landowner be issued a license or permit for keeping farm deer or for the construction of ~~a fence~~ fencing for keeping farm deer.

Sec. 4. Section 170.3A, Code 2013, is amended to read as follows:

**170.3A Chronic wasting disease control program — testing.**

1. The department shall establish and administer a chronic

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1 wasting disease control program for the control of chronic  
2 wasting disease which threatens farm deer. The program shall  
3 include procedures for the inspection and testing of farm deer,  
4 responses to reported cases of chronic wasting disease, and  
5 methods to ensure that owners of farm deer may engage in the  
6 movement and sale of farm deer.

7 2. Farm deer that die or are sent for slaughter shall  
8 be tested for chronic wasting disease as set forth in rules  
9 adopted by the department. The landowner who keeps such farm  
10 deer shall pay the full cost of the testing.

11 Sec. 5. Section 170.3B, Code 2013, is amended to read as  
12 follows:

13 170.3B ~~Farm deer administration~~ Registration and fee — proof  
14 of financial responsibility.

15 1. ~~The department may establish a farm deer administration~~ A  
16 landowner who keeps farm deer under this chapter shall annually  
17 register with the department by June 30. A landowner shall not  
18 be registered under this section unless the landowner meets the  
19 applicable fencing certification and other requirements of this  
20 chapter. If a landowner meets the applicable certification and  
21 other requirements of this chapter, the landowner shall pay the  
22 department a registration fee which shall be annually imposed  
23 on each landowner who keeps farm deer in this state. The  
24 amount of the fee shall ~~not exceed two hundred~~ be five thousand  
25 dollars per year. The fee shall be collected by the department  
26 in a manner specified by rules adopted by the department after  
27 consulting with the farm deer council established in section  
28 170.2. The collected fees shall be credited to the farm deer  
29 administration fund created pursuant to section 170.3C.

30 2. a. An initial application for registration under  
31 subsection 1 shall be accompanied by a surety or cash  
32 performance bond in conformity with rules adopted by the  
33 department, in the principal amount of a minimum of one hundred  
34 thousand dollars. The bond shall be executed by a surety  
35 company authorized to do business in this state, and the bond



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1 shall be continuous in nature until canceled by the surety with  
2 not less than sixty days' written notice to both the landowner  
3 and to the department. The notice shall indicate the surety's  
4 intent to cancel the bond on a date at least sixty days after  
5 the date of the notice.

6 b. The bond shall be payable to the state to indemnify the  
7 state for any costs that may be incurred in the event that a  
8 confirmed case of chronic wasting disease is found in farm deer  
9 kept by the applicant who purchased the bond.

10 Sec. 6. Section 170.3C, subsection 1, Code 2013, is amended  
11 to read as follows:

12 1. The fund shall be composed of moneys appropriated by  
13 the general assembly and moneys available to and obtained or  
14 accepted by the department from the United States or private  
15 sources for placement in the fund. The fund shall include all  
16 moneys collected from the farm deer ~~administration~~ registration  
17 fee as provided in section 170.3B and penalties assessed  
18 pursuant to section 170.8, subsection 2.

19 Sec. 7. Section 170.4, Code 2013, is amended to read as  
20 follows:

21 **170.4 Requirements for keeping whitetail — fence fencing**  
22 **certification.**

23 A landowner shall not keep whitetail as farm deer, unless the  
24 whitetail is kept on land which is enclosed by a double fence,  
25 which includes a perimeter fence around the enclosed area and  
26 a secondary fence that is a minimum of thirty feet inside the  
27 perimeter fence. The ~~fence~~ fences must be constructed and  
28 maintained as prescribed by rules adopted by the department. A  
29 landowner shall not keep the whitetail unless the ~~fence~~ fencing  
30 is certified in a manner and according to procedures required  
31 by the department. The ~~fence~~ fences shall be constructed and  
32 maintained to ensure that whitetail are kept in the enclosure  
33 and that other deer are excluded from the enclosure. ~~A fence~~  
34 ~~that is constructed on or after May 23, 2003,~~ The fences shall  
35 be at least ~~eight~~ ten feet in height above ground level. The

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1 department of agriculture and land stewardship ~~may~~ shall  
2 require that the ~~fence is~~ fencing be inspected and approved  
3 prior to certification. The department of natural resources  
4 may periodically inspect the ~~fence~~ fencing according to  
5 appointment with the enclosure's landowner.

6 Sec. 8. NEW SECTION. 170.4A Missing or escaped farm deer.

7 A landowner who keeps farm deer shall notify the department  
8 within forty-eight hours of discovering that a farm deer has  
9 escaped or is missing from enclosed land. A farm deer that  
10 has escaped or is missing from enclosed land for more than ten  
11 days shall be subject to the jurisdiction of the department of  
12 natural resources.

13 Sec. 9. Section 170.5, subsection 1, paragraph a, Code 2013,  
14 is amended to read as follows:

15 a. A statement verifying that the ~~fence which encloses~~  
16 ~~the land is certified by~~ landowner is registered with the  
17 department of agriculture and land stewardship pursuant to  
18 section ~~170.4~~ 170.3B.

19 Sec. 10. Section 170.6, Code 2013, is amended to read as  
20 follows:

21 **170.6 Disciplinary proceedings.**

22 1. The department of agriculture and land stewardship may  
23 suspend or revoke a ~~certification~~ registration issued pursuant  
24 to section ~~170.4~~ 170.3B if the department determines that a  
25 landowner has done any of the following:

26 a. Provided false information to the department in an  
27 application for ~~certification~~ registration pursuant to section  
28 ~~170.4~~ 170.3B.

29 b. Failed to provide notice or access to the department of  
30 natural resources and the department of agriculture and land  
31 stewardship as required by section 170.5.

32 c. Failed to maintain a ~~fence~~ fencing enclosing the land  
33 where a whitetail is kept as required in section 170.4.

34 d. ~~Forces or lures~~ Forced or lured a whitetail that is  
35 property of the state onto the enclosed land.

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1 ~~e. Restrains or inhibits~~ Restrained or inhibited a whitetail  
2 that is property of the state from leaving the enclosed land.

3 ~~f. Takes~~ Taken a whitetail that is property of the state  
4 which is enclosed on the property in violation of a chapter in  
5 Title XI, subtitle 6.

6 ~~g. Falsely claimed that a farm deer died or was sent for~~  
7 ~~slaughter when the farm deer escaped or was otherwise sold.~~

8 ~~h. Failed to maintain proof of financial responsibility as~~  
9 ~~required in section 170.3B.~~

10 2. If the department suspends a landowner's ~~certification~~  
11 ~~registration~~, the landowner shall not release additional  
12 whitetail onto the enclosed land, unless otherwise provided  
13 in the department's order for suspension. If the department  
14 revokes a landowner's ~~certification~~ registration under this  
15 section, the landowner shall provide for the disposition of the  
16 enclosed whitetail by any lawful means.

17 Sec. 11. Section 170.8, Code 2013, is amended to read as  
18 follows:

19 **170.8 Penalties.**

20 1. A person is guilty of taking a whitetail in violation of  
21 section 481A.48 if the whitetail is on the land enclosed by a  
22 ~~fence~~ fencing required to be certified as provided in section  
23 170.4 and the person does any of the following:

24 1- ~~a.~~ a. Forces or lures a whitetail that is property of the  
25 state onto the enclosed land.

26 2- ~~b.~~ b. Restrains or inhibits a whitetail that is property of  
27 the state from leaving the enclosed land.

28 3- ~~c.~~ c. Takes a whitetail that is property of the state that  
29 is within the enclosure in violation of a chapter in Title XI,  
30 subtitle 6.

31 2. A person who falsely claims that a farm deer died or  
32 was sent for slaughter when the farm deer escaped or was  
33 otherwise sold is subject to a civil penalty of five thousand  
34 dollars. The civil penalty shall be deposited in the farm deer  
35 administration fund created in section 170.3C.

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1 Sec. 12. APPLICABILITY.

2 1. The section of this Act amending section 170.4 applies to  
3 fencing that is newly constructed on or after July 1, 2013.

4 2. The section of this Act amending section 170.4 is  
5 applicable on or after July 1, 2014, to fences constructed  
6 before July 1, 2013, and in existence on July 1, 2014.

7 DIVISION II

8 PRESERVE WHITETAIL

9 Sec. 13. Section 484C.1, subsection 5, Code 2013, is amended  
10 to read as follows:

11 5. ~~"Fence"~~ "Fencing" means a boundary perimeter fence and  
12 a secondary fence which encloses preserve whitetail within  
13 a landowner's property as required to be constructed and  
14 maintained pursuant to this chapter.

15 Sec. 14. Section 484C.5, subsection 1, unnumbered paragraph  
16 1, Code 2013, is amended to read as follows:

17 A hunting preserve must include at least three hundred  
18 twenty contiguous acres which are enclosed by ~~a fence~~ fencing  
19 certified pursuant to section 484C.6. However, the hunting  
20 preserve may include a fewer number of enclosed acres if any of  
21 the following applies:

22 Sec. 15. Section 484C.6, Code 2013, is amended to read as  
23 follows:

24 **484C.6 Fencing — certification Fencing certification —**  
25 **identification of animals.**

26 1. a. ~~A fence~~ Fencing required to enclose preserve  
27 whitetail under section 484C.5 must be constructed and  
28 maintained as prescribed by rules adopted by the department  
29 and as certified by the department. The ~~fence~~ fencing shall  
30 be constructed and maintained to ensure that the preserve  
31 whitetail are kept in the enclosure and all other whitetail are  
32 excluded from the enclosure.

33 2. b. ~~A fence~~ Fencing that was certified by the department  
34 of agriculture and land stewardship pursuant to chapter 170  
35 prior to July 1, 2005, shall be certified by the department of

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1 natural resources.

2 ~~3. c. A fence~~ A hunting preserve shall be enclosed by  
3 a double fence, which includes a perimeter fence around the  
4 enclosed area and a secondary fence that is a minimum of thirty  
5 feet inside the perimeter fence. The fences shall be at least  
6 eight ten feet in height above ground level. The enclosure  
7 perimeter fence shall be posted with signs as prescribed by  
8 rules adopted by the department.

9 ~~4. d.~~ The department may shall require that the fence  
10 fencing be inspected and approved by the department prior to  
11 certification. The department shall periodically inspect  
12 the fence fencing at any reasonable time by appointment or  
13 by providing the landowner with at least forty-eight hours'  
14 notice.

15 2. Whitetail kept as preserve whitetail shall bear  
16 identification that is one of the following:

17 a. An identification ear tag approved by the United States  
18 department of agriculture that conforms to the alphanumeric  
19 national uniform tagging system as defined in 9 C.F.R. ch. 1,  
20 subch. c, pt. 71.1, revised as of July 21, 2006.

21 b. A plastic or other material tag that includes the  
22 official herd number issued by the United States department  
23 of agriculture, and includes individual animal identification  
24 which is no more than five digits and is unique for each  
25 animal.

26 c. A legible tattoo, that includes the official herd number  
27 issued by the United States department of agriculture, and  
28 includes individual animal identification which is no more than  
29 five digits and is unique for each animal.

30 d. A plastic or other material tag that provides unique  
31 animal identification and is issued and approved by the North  
32 American deer farmers association.

33 3. Preserve whitetail previously kept as farm deer  
34 that are released on a hunting preserve shall maintain the  
35 identification affixed on the whitetail pursuant to chapter 170

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1 and rules adopted to implement that chapter.

2 Sec. 16. Section 484C.7, Code 2013, is amended to read as  
3 follows:

4 **484C.7 Registration and fee — proof of financial**  
5 **responsibility.**

6 1. A landowner who keeps preserve whitetail shall annually  
7 register the landowner's hunting preserve with the department  
8 by June 30. The A landowner shall not be registered under  
9 this section unless the landowner meets the applicable fencing  
10 certification and other requirements of this chapter. If a  
11 landowner meets the applicable fencing certification and other  
12 requirements of this chapter, the landowner shall pay the  
13 department a registration fee. The amount of the registration  
14 fee shall not exceed three hundred fifty be five thousand  
15 dollars per fiscal year. The fee shall be deposited into the  
16 state fish and game protection fund.

17 2. a. An initial application for registration under  
18 subsection 1 shall be accompanied by a surety or cash  
19 performance bond in conformity with rules adopted by the  
20 department, in the principal amount of a minimum of one hundred  
21 thousand dollars. The bond shall be executed by a surety  
22 company authorized to do business in this state, and the bond  
23 shall be continuous in nature until canceled by the surety with  
24 not less than sixty days' written notice to both the landowner  
25 and to the department. The notice shall indicate the surety's  
26 intent to cancel the bond on a date at least sixty days after  
27 the date of the notice.

28 b. The bond shall be payable to the state to indemnify the  
29 state for any costs that may be incurred in the event that a  
30 confirmed case of chronic wasting disease is found in preserve  
31 whitetail kept by the applicant who purchased the bond.

32 Sec. 17. Section 484C.8, subsection 1, paragraphs a and c,  
33 Code 2013, are amended to read as follows:

34 a. A statement verifying that the ~~fence which encloses the~~  
35 land landowner is ~~certified by~~ registered with the department

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1 pursuant to section ~~484C.6~~ 484C.7.  
2 c. The location of the land enclosed by the ~~fence~~ fencing.  
3 Sec. 18. Section 484C.12, Code 2013, is amended by adding  
4 the following new subsection:  
5 NEW SUBSECTION. 3. Preserve whitetail that die or are  
6 taken by persons on the hunting preserve shall be tested for  
7 chronic wasting disease as set forth in rules adopted by the  
8 department. The landowner or the person taking the preserve  
9 whitetail shall pay the full cost of the testing.  
10 Sec. 19. Section 484C.13, subsection 3, unnumbered  
11 paragraph 1, Code 2013, is amended to read as follows:  
12 The department may suspend or revoke a ~~fence certification~~  
13 registration issued pursuant to section ~~484C.6~~ 484C.7 if the  
14 department determines that a landowner has done any of the  
15 following:  
16 Sec. 20. Section 484C.13, subsection 3, paragraph d, Code  
17 2013, is amended to read as follows:  
18 d. Failed to maintain a ~~fence~~ fencing enclosing the land  
19 where preserve whitetail are kept as required by this chapter.  
20 The department shall not suspend or revoke a ~~certification~~  
21 registration if the landowner remedies each item as provided  
22 in a notice of deficiency delivered to the landowner by the  
23 department. The remedies shall be completed within seven days  
24 from receipt of the notice. The notice shall be hand delivered  
25 or sent by certified mail.  
26 Sec. 21. Section 484C.13, subsection 3, Code 2013, is  
27 amended by adding the following new paragraph:  
28 NEW PARAGRAPH. e. Failed to maintain proof of financial  
29 responsibility as required in section 484C.7.  
30 Sec. 22. Section 484C.13, Code 2013, is amended by adding  
31 the following new subsection:  
32 NEW SUBSECTION. 4. A person who removes identification  
33 required in section 484C.6 from a preserve whitetail, prior to  
34 the taking of the whitetail, is subject to a civil penalty of  
35 five hundred dollars.



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1     Sec. 23.  APPLICABILITY.

2     1.  The section of this Act amending section 484C.6,  
3 subsection 1, applies to fencing that is newly constructed on  
4 or after July 1, 2013.

5     2.  The section of this Act amending section 484C.6,  
6 subsection 1, is applicable on or after July 1, 2014, to fences  
7 constructed before July 1, 2013, and in existence on July 1,  
8 2014.

9                                   EXPLANATION

10    This bill relates to the keeping of farm deer and preserve  
11 whitetail and includes penalties and applicability provisions.

12    DIVISION I.  Division I of the bill relates to regulation  
13 of the keeping of farm deer, which is principally under the  
14 purview of the department of agriculture and land stewardship  
15 (DALS).  DALS is required to adopt rules providing for the  
16 importation, transportation, and disease control of farm deer  
17 and for fencing certification and registration requirements  
18 under the Code chapter.

19    Farm deer that die or are sent for slaughter must be tested  
20 for chronic wasting disease pursuant to rules adopted by DALS,  
21 and the landowner must pay the full cost of the testing.

22    A landowner who keeps farm deer must register with DALS by  
23 June 30 each year.  In order to register, the landowner must  
24 meet the fencing certification requirements, show proof of  
25 financial responsibility via a surety or cash performance bond,  
26 and pay a registration fee of \$5,000 per year.  The surety or  
27 cash performance bond must be in a minimum amount of \$100,000,  
28 payable to indemnify the state in the event that a confirmed  
29 case of chronic wasting disease is found in farm deer kept by  
30 the landowner.  Registration fees are placed in the farm deer  
31 administration fund and appropriated to DALS for the purpose of  
32 administering the chronic wasting disease control program.

33    The bill requires that fencing enclosing land on which  
34 whitetail are kept as farm deer must include a perimeter  
35 fence around the enclosed area and a secondary fence that is

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1 a minimum of 30 feet inside the perimeter fence, must be 10  
2 feet tall instead of eight feet tall, and must be inspected  
3 and approved prior to certification of the fencing. The  
4 new requirements are applicable to fencing that is newly  
5 constructed on or after July 1, 2013, when the bill takes  
6 effect, and are applicable on or after July 1, 2014, to fences  
7 existing before July 1, 2013.

8 A landowner who keeps farm deer shall notify DALS within 48  
9 hours of discovering that a farm deer has escaped or is missing  
10 from enclosed land. A farm deer that has escaped or is missing  
11 for more than 10 days is subject to the jurisdiction of the  
12 department of natural resources.

13 A landowner's registration may be suspended or revoked for  
14 failure to maintain proof of financial responsibility, or  
15 for falsely claiming that a farm deer died or was sent for  
16 slaughter when the farm deer escaped or was otherwise sold. A  
17 person who makes such a false claim is also subject to a civil  
18 penalty of \$5,000, which will be deposited in the farm deer  
19 administration fund.

20 DIVISION II. Division II of the bill relates to regulation  
21 of the keeping of preserve whitetail on a hunting preserve,  
22 which is principally under the purview of the department of  
23 natural resources (department).

24 The bill requires that a landowner cannot keep whitetail on  
25 a hunting preserve unless the preserve is enclosed by double  
26 fencing that includes a perimeter fence around the enclosed  
27 area and a secondary fence that is a minimum of 30 feet inside  
28 the perimeter fence. The fence must be at least 10 feet in  
29 height. The fencing requirements are applicable to fences  
30 that are newly constructed on or after July 1, 2013, when the  
31 bill takes effect, and is applicable on or after July 1, 2014,  
32 to fences existing before July 1, 2013. The department must  
33 inspect and approve the fencing prior to certification.

34 Whitetail kept on a hunting preserve must also bear an  
35 ear tag, tattoo, or other identification as specified in

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1 the bill. Preserve whitetail previously kept as farm deer  
2 that are released on a hunting preserve shall maintain the  
3 identification affixed on them pursuant to the requirements  
4 applicable to farm deer under Code chapter 170 and rules  
5 adopted to implement that Code chapter.

6 A landowner who keeps whitetail on a hunting preserve must  
7 register each year and pay the registration fee of \$5,000. A  
8 landowner cannot be registered unless the landowner meets the  
9 applicable fencing certification and other requirements of Code  
10 chapter 484C. The initial application for registration must  
11 include proof of financial responsibility via a surety or cash  
12 performance bond. The surety or cash performance bond must be  
13 in a minimum amount of \$100,000, payable to indemnify the state  
14 in the event that a confirmed case of chronic wasting disease  
15 is found in preserve whitetail kept by the landowner.

16 Preserve whitetail that die or are taken by persons hunting  
17 on the hunting preserve shall be tested for chronic wasting  
18 disease as set forth in rules adopted by the department. The  
19 landowner or the hunter taking the preserve whitetail shall pay  
20 the full cost of the testing.

21 A person who removes the required identification from a  
22 preserve whitetail, prior to the taking of the whitetail, is  
23 subject to a civil penalty of \$500.



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**Senate File 60 - Introduced**

SENATE FILE 60  
BY CHELGREN

**A BILL FOR**

1 An Act relating to the production or manufacture of goods  
2 retained within the state of Iowa and applicable federal  
3 authority, providing penalties, and including applicability  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 554E.1 Short title.  
2 This chapter may be cited as the "*Intrastate Commerce Act*".  
3 Sec. 2. NEW SECTION. 554E.2 Legislative intent.  
4 The general assembly finds the following:  
5 1. The tenth amendment to the Constitution of the United  
6 States codifies in law that the only powers which the federal  
7 government may exercise are those that have been delegated to  
8 it in the Constitution of the United States.  
9 2. The ninth amendment to the Constitution of the United  
10 States guarantees to the people rights not enumerated in the  
11 Constitution and reserves to the people those rights.  
12 3. Under Article I, section 8, clause 3, of the Constitution  
13 of the United States, the federal government is empowered to  
14 regulate commerce among the several states.  
15 4. The power to regulate intrastate commerce is reserved to  
16 the states or the people under the ninth and tenth amendments  
17 to the Constitution of the United States.  
18 5. During the constitutional convention, the founders  
19 considered a plan which would have authorized the federal  
20 government to not only regulate commerce among the several  
21 states, but also any activity having spillover effects across  
22 state lines, and they rejected it.  
23 Sec. 3. NEW SECTION. 554E.3 Iowa goods retained in-state —  
24 federal regulation — inapplicability.  
25 1. As used in this chapter, unless the context otherwise  
26 requires:  
27 a. "*Goods*" means all real or personal, tangible or  
28 intangible property, regardless of the date of origin,  
29 manufacture, or creation.  
30 b. "*Produced*" means grown, mined, extracted, or created.  
31 2. All goods produced or manufactured, whether commercially  
32 or privately, within the boundaries of this state that are  
33 held, maintained, or retained within the boundaries of this  
34 state shall not be deemed to have traveled in interstate  
35 commerce and shall not be subject to federal law, federal

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1 regulation, or the authority of the Congress of the United  
2 States under its constitutional power to regulate commerce  
3 among the states. This chapter shall apply to goods that are  
4 manufactured within this state from basic materials or parts.  
5 The authority of the Congress of the United States to regulate  
6 interstate commerce in basic materials or parts shall not  
7 include the authority to regulate goods manufactured within  
8 this state from such materials or parts.

9 3. This chapter shall not apply to the following:

10 a. Goods manufactured within this state unless the words  
11 "made in Iowa" are clearly stamped or marked on an integral  
12 part of the good.

13 b. Goods produced within this state unless the words  
14 "product of Iowa" are clearly stamped or marked on the  
15 container or packaging.

16 c. Goods ordered, procured, or purchased by the United  
17 States government or by any contractor pursuant to an agreement  
18 with the United States government.

19 Sec. 4. NEW SECTION. 554E.4 Penalties.

20 1. Any official, agent, or employee of the United States  
21 government or any employee of a corporation providing services  
22 to the United States government that enforces or attempts to  
23 enforce an Act, order, law, statute, rule, or regulation of the  
24 government of the United States in violation of this Act shall  
25 be guilty of a class "D" felony.

26 2. Any public officer or employee of this state that  
27 enforces or attempts to enforce an Act, order, law, statute,  
28 rule, or regulation of the government of the United States in  
29 violation of this Act shall be guilty of a serious misdemeanor.

30 Sec. 5. APPLICABILITY.

31 1. This Act applies to goods held, maintained, or retained  
32 within the boundaries of the state that have been produced or  
33 manufactured within this state at any time before, on, or after  
34 July 1, 2013.

35 2. Notwithstanding subsection 1, the section of this Act

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1 enacting section 554E.4, prescribing penalties for a violation  
2 of the Act's provisions, applies only to violations occurring  
3 on or after July 1, 2013.

4 EXPLANATION

5 This bill relates to the production or manufacture of goods  
6 retained within the state of Iowa and federal regulatory  
7 authority.

8 The bill provides legislative intent regarding the retention  
9 and delegation of powers in the United States Constitution,  
10 and states that the power to regulate intrastate commerce is  
11 reserved to the states or the people under the ninth and tenth  
12 amendments to the Constitution. The bill also states that  
13 during the constitutional convention, the founders considered  
14 a plan which would have authorized the federal government to  
15 not only regulate commerce among the several states, but also  
16 any activity having spillover effects across state lines, and  
17 rejected it.

18 The bill provides definitions. The bill defines "goods" to  
19 mean all real or personal, tangible or intangible property,  
20 regardless of the date of origin, manufacture, or creation.  
21 The bill defines "produced" to mean grown, mined, extracted,  
22 or created.

23 The bill states that all goods produced or manufactured  
24 either commercially or privately within Iowa that are held,  
25 maintained, or retained within Iowa shall not be deemed to  
26 have traveled in interstate commerce and therefore shall  
27 not be subject to federal law, federal regulation, or the  
28 constitutional authority of the Congress of the United States  
29 to regulate interstate commerce. The bill provides that  
30 this only applies to goods that are manufactured within Iowa  
31 from basic materials or parts. The bill further provides  
32 that protection from federal regulation shall be confined  
33 to goods manufactured within Iowa which have "made in Iowa"  
34 clearly stamped or marked on an integral part, or produced in  
35 Iowa unless the words "product of Iowa" are clearly stamped

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1 or marked on the container or packaging. The bill further  
2 provides that goods ordered, procured, or purchased by the  
3 United States government or by any contractor pursuant to an  
4 agreement with the United States government are not included in  
5 the protection from federal regulation.

6 The bill specifies that any official, agent, or employee of  
7 the United States government or any employee of a corporation  
8 providing services to the United States government that  
9 enforces or attempts to enforce an Act, order, law, statute,  
10 rule, or regulation of the government of the United States in  
11 violation of the bill's provisions shall be guilty of a class  
12 "D" felony. A class "D" felony is punishable by confinement  
13 for no more than five years and a fine of at least \$750 but not  
14 more than \$7,500. The bill further specifies that a public  
15 officer or employee of this state that enforces or attempts to  
16 enforce an Act, order, law, statute, rule, or regulation of the  
17 government of the United States in violation of the bill shall  
18 be guilty of a serious misdemeanor. A serious misdemeanor is  
19 punishable by confinement for no more than one year and a fine  
20 of at least \$315 but not more than \$1,875.

21 The bill applies to goods held, maintained, or retained  
22 within the boundaries of the state that have been produced or  
23 manufactured within this state at any time before, on, or after  
24 July 1, 2013. Penalty provisions apply only to violations  
25 occurring on or after July 1, 2013.



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**Senate File 61 - Introduced**

SENATE FILE 61  
BY SORENSON

**A BILL FOR**

1 An Act providing for a moratorium on regulations affecting  
2 the sale of unprocessed food, and including effective date  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. MORATORIUM ON REGULATIONS AFFECTING THE SALE OF  
2 UNPROCESSED FOOD.

3 1. As used in this section, unless the context otherwise  
4 requires:

5 a. "State agency" means any unit of state government  
6 designated as an authority, board, commission, committee,  
7 council, department, or independent agency as defined in  
8 section 7E.4, including but not limited to each principal  
9 central department enumerated in section 7E.5.

10 b. "Unprocessed food" means food that is an agricultural  
11 commodity sold for consumption in its raw state without being  
12 subjected to a change in form, condition, or temperature,  
13 including but not limited to raw milk, eggs in the shell,  
14 nuts in the shell, honey in the comb, fresh fruit, and fresh  
15 vegetables.

16 2. Notwithstanding any other provision to the contrary, a  
17 moratorium is declared on every state agency's administration  
18 and enforcement of statutes and rules affecting the sale of  
19 unprocessed food in this state, including but not limited to  
20 all of the following:

21 a. The issuance of permits or licenses.

22 b. The inspection of the unprocessed food or an  
23 establishment that sells unprocessed food.

24 c. The labeling of unprocessed food or containers  
25 containing unprocessed food.

26 3. This section takes effect July 1, 2014.

27 Sec. 2. REPORT BY STATE AGENCIES. The department of  
28 agriculture and land stewardship, the department of public  
29 health, and the department of inspections and appeals, shall  
30 cooperate to publish and prepare a joint report to the general  
31 assembly not later than January 1, 2014. The report shall  
32 provide a list of all statutes and rules affected by this  
33 Act and proposals to most effectively amend or repeal those  
34 statutes and rules without affecting the administration and  
35 enforcement of other provisions.

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EXPLANATION

1  
2 This bill provides that, notwithstanding any other provision  
3 to the contrary, a moratorium exists on every state agency's  
4 administration and enforcement of statutes and rules affecting  
5 the sale of unprocessed food in this state. Unprocessed food  
6 includes milk, eggs, nuts, honey, fruit, and vegetables. The  
7 regulations include the issuance of permits or licenses,  
8 the inspection of the unprocessed food or an establishment  
9 that sells such food, and labeling. The moratorium takes  
10 effect on July 1, 2014. By January 1, 2014, the department  
11 of agriculture and land stewardship, the department of public  
12 health, and the department of inspections and appeals must  
13 submit a joint report to the general assembly outlining all  
14 statutes and rules affected by the moratorium and proposals to  
15 most effectively amend or repeal those statutes and rules.



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**Senate File 62 - Introduced**

SENATE FILE 62  
BY SORENSON

**A BILL FOR**

1 An Act eliminating the reduction of a sentence through the  
2 accrual of earned time for inmates convicted of certain  
3 serious sex offenses.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 902.12, subsection 3, Code 2013, is  
2 amended by striking the subsection.

3 Sec. 2. Section 903A.2, subsection 1, paragraph a,  
4 unnumbered paragraph 1, Code 2013, is amended to read as  
5 follows:

6 Category "A" sentences are those sentences which are not  
7 subject to a maximum accumulation of earned time of fifteen  
8 percent of the total sentence of confinement under section  
9 902.12. To the extent provided in subsection 5, category  
10 "A" sentences also include life sentences imposed under  
11 section 902.1. Category "A" sentences also include serious  
12 sex offenses referred to in subsection 6. An inmate of an  
13 institution under the control of the department of corrections  
14 who is serving a category "A" sentence is eligible for a  
15 reduction of sentence equal to one and two-tenths days for each  
16 day the inmate demonstrates good conduct and satisfactorily  
17 participates in any program or placement status identified by  
18 the director to earn the reduction. The programs include but  
19 are not limited to the following:

20 Sec. 3. Section 903A.2, Code 2013, is amended by adding the  
21 following new subsection:

22 NEW SUBSECTION. 6. Earned time accrued by inmates serving  
23 a serious sex offense listed in section 903B.10 shall not  
24 reduce the sentence, but shall be credited against the inmate's  
25 sentence if the sentence is commuted to a term of years.

26 Sec. 4. Section 903B.10, subsection 3, Code 2013, is amended  
27 to read as follows:

28 3. a. For purposes of this section, a "*serious sex offense*"  
29 means any of the following offenses in which the victim was a  
30 child who was, at the time the offense was committed, twelve  
31 years of age or younger:

32 ~~a.~~ (1) Sexual abuse in the first degree, in violation of  
33 section 709.2.

34 ~~b.~~ (2) Sexual abuse in the second degree, in violation of  
35 section 709.3.

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1 ~~e-~~ (3) Sexual abuse in the third degree, in violation of  
2 section 709.4.  
3 ~~d-~~ (4) Lascivious acts with a child, in violation of  
4 section 709.8.  
5 ~~e-~~ (5) Assault with intent, in violation of section 709.11.  
6 ~~f-~~ (6) Indecent contact with a minor, in violation of  
7 section 709.12.  
8 ~~g-~~ (7) Lascivious conduct with a minor, in violation of  
9 section 709.14.  
10 ~~h-~~ (8) Sexual exploitation in violation of section 709.15.  
11 ~~i-~~ (9) Sexual exploitation of a minor, in violation of  
12 section 728.12, subsections 1 and 2.  
13 b. A person convicted of a serious sex offense shall not be  
14 released on parole or work release unless the governor commutes  
15 the sentence to a term of years.

16 EXPLANATION

17 Current law permits most inmates to accrue earned time at  
18 a rate of one and two-tenths days for each day the inmate  
19 demonstrates good conduct and satisfactorily participates in  
20 any program or placement status. For an inmate serving a 70  
21 percent sentence the inmate is eligible for a reduction of  
22 sentence equal to fifteen eighty-fifths of a day for each day  
23 of good conduct by the inmate.

24 All of the serious sex offenses defined in Code section  
25 903B.10(3) are eligible under current law to accrue earned time  
26 at a rate of one and two-tenths days for each day the inmate  
27 demonstrates good conduct and satisfactorily participates in  
28 any program or placement status, except sexual abuse in the  
29 second degree which is a 70 percent sentence, and thus is  
30 eligible to accrue fifteen eighty-fifths of a day for each day  
31 of good conduct.

32 "Serious sex offense" is currently defined in Code section  
33 903B.10(3) and includes sexual abuse in the first degree in  
34 violation of Code section 709.2, sexual abuse in the second  
35 degree in violation of Code section 709.3, sexual abuse in the

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1 third degree in violation of Code section 709.4, lascivious  
2 acts with a child in violation of Code section 709.8, assault  
3 with intent to commit sexual abuse in violation of Code section  
4 709.11, indecent contact with a minor in violation of Code  
5 section 709.12, lascivious conduct with a minor in violation of  
6 Code section 709.14, sexual exploitation in violation of Code  
7 section 709.15, and sexual exploitation of a minor in violation  
8 of Code section 728.12, subsections 1 and 2.

9 This bill eliminates the reduction of a sentence through the  
10 accrual of earned time for inmates convicted of the serious  
11 sex offenses described above. A person convicted of a serious  
12 sex offense and sentenced to prison, as any other inmate, may  
13 be released early if the governor exercises the power granted  
14 under the Constitution of the State of Iowa to commute a  
15 sentence.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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**Senate File 63 - Introduced**

SENATE FILE 63  
BY SORENSON

**A BILL FOR**

1 An Act relating to the electronic tracking and monitoring of  
2 persons on the sex offender registry.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1419XS (2) 85  
jm/sc



Iowa General Assembly  
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S.F. 63

1 Section 1. Section 232.52A, subsection 2, Code 2013, is  
2 amended to read as follows:

3 2. If the duration of a dispositional order is extended  
4 pursuant to section 232.53, subsection 3, the court ~~may~~  
5 ~~continue or~~ shall extend supervision by an electronic tracking  
6 and monitoring system in addition to any other conditions of  
7 supervision.

8 Sec. 2. Section 692A.124, Code 2013, is amended to read as  
9 follows:

10 **692A.124 Electronic monitoring.**

11 ~~1.~~ A sex offender, including a juvenile under the  
12 supervision of the juvenile court, who is placed on probation,  
13 parole, work release, special sentence, or any other type of  
14 conditional release, may shall be supervised by an electronic  
15 tracking and monitoring system in addition to any other  
16 conditions of supervision.

17 ~~2. The determination to use electronic tracking and~~  
18 ~~monitoring to supervise a sex offender shall be based upon~~  
19 ~~a validated risk assessment approved by the department of~~  
20 ~~corrections, and also upon the sex offender's criminal history,~~  
21 ~~progress in treatment and supervision, and other relevant~~  
22 ~~factors.~~

23 ~~3. If a sex offender is under the jurisdiction of the~~  
24 ~~juvenile court, the determination to use electronic tracking~~  
25 ~~and monitoring to supervise the sex offender shall be based~~  
26 ~~upon a risk assessment performed by a juvenile court officer.~~

27 Sec. 3. Section 915.17A, Code 2013, is amended to read as  
28 follows:

29 **915.17A Notification by judicial district department of**  
30 **correctional services.**

31 A judicial district department of correctional services  
32 shall notify a registered victim, regarding a sex offender  
33 convicted of a sex offense ~~against a minor~~ who is under the  
34 supervision of a judicial district department of correctional  
35 services, of the following:

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jm/sc

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1     ~~1. The beginning and ending date for of the~~ use of an  
2 electronic tracking and monitoring system to supervise the sex  
3 offender and the type of electronic tracking and monitoring  
4 system used.

5     ~~2. The date of any modification to the use of an electronic~~  
6 ~~tracking and monitoring system and the nature of the change.~~

7                                   EXPLANATION

8     This bill relates to the electronic tracking and monitoring  
9 of persons on the sex offender registry.

10    Under the bill, a person who is on the sex offender registry,  
11 including a juvenile under the supervision of the juvenile  
12 court, who is placed on probation, parole, work release,  
13 special sentence, or any other type of conditional release,  
14 is required to be supervised by an electronic tracking and  
15 monitoring system in addition to any other conditions of  
16 supervision.

17    Current law allows but does not require the supervision of a  
18 sex offender on the sex offender registry, including a juvenile  
19 sex offender, by an electronic tracking and monitoring system  
20 in addition to any other conditions of supervision.

21    The bill also requires a judicial district department of  
22 correctional services to notify a registered victim, regarding  
23 the sex offender convicted of the sex offense against the  
24 victim, who is under supervision of the judicial district  
25 department, of the beginning and ending date of the use of  
26 an electronic tracking and monitoring system to supervise  
27 the sex offender including the type of electronic tracking  
28 and monitoring system used. Current law only requires the  
29 judicial district department to provide such notification to  
30 the registered victim if the sex offender is convicted of a sex  
31 offense against a minor and is being electronically monitored  
32 or tracked.



Iowa General Assembly  
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**Senate File 64 - Introduced**

SENATE FILE 64  
BY SORENSON

**A BILL FOR**

1 An Act requiring hormonal intervention therapy for persons  
2 convicted of a serious sex offense and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1416XS (5) 85  
jm/sc



Iowa General Assembly  
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S.F. 64

1 Section 1. Section 901.5, subsection 13, Code 2013, is  
2 amended to read as follows:

3 13. In addition to any other sentence or other penalty  
4 imposed against the defendant, the court shall impose a special  
5 sentence if required under section 903B.1 or 903B.2, and shall  
6 impose the treatment as provided in section 903B.10.

7 Sec. 2. Section 903B.10, subsection 1, Code 2013, is amended  
8 to read as follows:

9 1. A person who has been convicted of a serious sex  
10 offense ~~may shall, upon a first conviction and~~ in addition  
11 to any other punishment provided by law, be required to  
12 undergo medroxyprogesterone acetate treatment as part of any  
13 conditions of release imposed by the court or the board of  
14 parole. The treatment prescribed in this section may utilize  
15 an approved pharmaceutical agent other than medroxyprogesterone  
16 acetate. ~~Upon a second or subsequent conviction, the court~~  
17 ~~or the board of parole shall require the person to undergo~~  
18 ~~medroxyprogesterone acetate or other approved pharmaceutical~~  
19 ~~agent treatment as a condition of release, unless, after an~~  
20 ~~appropriate assessment, the court or board determines that the~~  
21 ~~treatment would not be effective. In determining whether a~~  
22 ~~conviction is a first or second conviction under this section,~~  
23 ~~a prior conviction for a criminal offense committed in another~~  
24 ~~jurisdiction which would constitute a violation of section~~  
25 ~~709.3, subsection 2, if committed in this state, shall be~~  
26 ~~considered a conviction under this section. This section shall~~  
27 not apply if the person voluntarily undergoes a permanent  
28 surgical alternative approved by the court or the board of  
29 parole.

30 Sec. 3. Section 903B.10, Code 2013, is amended by adding the  
31 following new subsection:

32 NEW SUBSECTION. 7. Notwithstanding the provisions of  
33 section 907.3, the court shall not defer or suspend the  
34 treatment imposed by this section.

35

EXPLANATION

LSB 1416XS (5) 85

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Iowa General Assembly  
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S.F. 64

1 This bill relates to hormonal intervention therapy (chemical  
2 castration) for persons convicted of a serious sex offense.

3 Upon conviction for a serious sex offense, the bill requires  
4 the convicted person to undergo medroxyprogesterone acetate  
5 treatment or a similar pharmaceutical agent treatment as part  
6 of any conditions of release imposed by the court or the board  
7 of parole.

8 A "serious sex offense" is currently defined in Code section  
9 903B.10(3) as specified offenses committed against a victim who  
10 was 12 years old or younger. The specified offenses are sexual  
11 abuse in the first degree in violation of Code section 709.2,  
12 sexual abuse in the second degree in violation of Code section  
13 709.3, sexual abuse in the third degree in violation of Code  
14 section 709.4, lascivious acts with a child in violation of  
15 Code section 709.8, assault with intent to commit sexual abuse  
16 in violation of Code section 709.11, indecent contact with a  
17 minor in violation of Code section 709.12, lascivious conduct  
18 with a minor in violation of Code section 709.14, sexual  
19 exploitation in violation of section Code 709.15, and sexual  
20 exploitation of a minor in violation of Code section 728.12,  
21 subsections 1 and 2.

22 The bill does not apply if the person voluntarily undergoes  
23 a permanent surgical alternative approved by the court or the  
24 board of parole.

25 The court is prohibited from deferring or suspending the  
26 treatment imposed by the bill.



Iowa General Assembly  
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**Senate File 65 - Introduced**

SENATE FILE 65  
BY DANIELSON

**A BILL FOR**

1 An Act prohibiting private safety agencies from utilizing the  
2 digits 911 in telephone numbers or internet addresses, and  
3 providing a penalty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1712XS (2) 85  
rn/sc



Iowa General Assembly  
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S.F. 65

1 Section 1. NEW SECTION. 34A.11 911 utilization —  
2 restriction.

3 1. A private safety agency shall not be issued or obtain  
4 use of the digits 911 in consecutive order with regard to any  
5 telephone number, or the digits 911 or the designation E911  
6 with regard to any internet address, utilized to identify or  
7 access the agency or the agency's internet site.

8 2. A violation of this section is a serious misdemeanor.

9 EXPLANATION

10 This bill prohibits a private safety agency from being  
11 issued or obtaining the use of the digits 911 in consecutive  
12 order with regard to any telephone number, or the digits 911  
13 or the designation E911 with regard to any internet address,  
14 utilized to identify or access the agency or the agency's  
15 internet site. The bill provides that a violation of these  
16 provisions is a serious misdemeanor. A serious misdemeanor is  
17 punishable by confinement for no more than one year and a fine  
18 of at least \$315 but not more than \$1,875.



Iowa General Assembly  
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**Senate File 66 - Introduced**

SENATE FILE 66  
BY DANIELSON

**A BILL FOR**

1 An Act relating to funding for retirement incentive programs  
2 offered by school districts and including applicability  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1701XS (4) 85  
md/sc



Iowa General Assembly  
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S.F. 66

1 Section 1. Section 279.46, Code 2013, is amended to read as  
2 follows:

3 **279.46 Retirement incentives — tax.**

4 The board of directors of a school district may adopt a  
5 program for payment of a monetary bonus, continuation of  
6 health or medical insurance coverage, or other incentives  
7 for encouraging its employees to retire before the normal  
8 retirement date as defined in chapter 97B. The program is  
9 available only to employees who notify the board of directors  
10 prior to April 1 of the fiscal year that they intend to retire  
11 not later than the start of the next following school calendar.  
12 The age at which employees shall be designated eligible for  
13 the program shall be at the discretion of the board. An  
14 employee retiring under this section may apply for a retirement  
15 allowance under chapter 97B or chapter 294. The board may  
16 include in the district management levy an amount to pay the  
17 total estimated accumulated cost to the school district of  
18 the health or medical insurance coverage, bonus, or other  
19 incentives for employees ~~within the age range of fifty-five to~~  
20 ~~sixty-five~~ years of age or older who retire under this section.

21 Sec. 2. APPLICABILITY. This Act applies to retirement  
22 incentive programs in existence on or after July 1, 2013.

23 EXPLANATION

24 This bill makes changes affecting the retirement incentive  
25 programs school districts may offer to employees and pay for  
26 through the district management levy under Code section 298.4.  
27 Currently, districts can pay for the program through the  
28 district management levy for employees between the ages of 55  
29 and 65. The bill allows the district to pay for such a program  
30 through the district management levy for employees who are 55  
31 years of age or older.

32 The Act applies to retirement incentive programs in  
33 existence on or after July 1, 2013.



Iowa General Assembly  
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**Senate File 67 - Introduced**

SENATE FILE 67  
BY DANIELSON

**A BILL FOR**

1 An Act relating to exemptions from motor vehicle window  
2 transparency requirements, and including effective date and  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1709SS (4) 85  
dea/nh



Iowa General Assembly  
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S.F. 67

1 Section 1. Section 321.438, subsection 2, Code 2013, is  
2 amended to read as follows:

3 2. a. A person shall not operate on the highway a motor  
4 vehicle equipped with a front windshield, a side window to the  
5 immediate right or left of the driver, or a ~~side-wing~~ sidewing  
6 forward of and to the left or right of the driver which is  
7 excessively dark or reflective so that it is difficult for a  
8 person outside the motor vehicle to see into the motor vehicle  
9 through the windshield, window, or sidewing. The department  
10 shall adopt rules establishing a minimum measurable standard  
11 of transparency which shall apply to violations of this  
12 subsection.

13 b. An exemption from the minimum standard of transparency  
14 established by the department, which was granted by the  
15 department to a person suffering from a severe light-sensitive  
16 condition prior to July 4, 2012, shall continue to apply for as  
17 long as the person's need for an exemption is documented by a  
18 physician. When the person who is the subject of the exemption  
19 is no longer a passenger or operator of the motor vehicle  
20 to which the exemption applies, the person may transfer the  
21 exemption to another vehicle in which the person is a passenger  
22 or operator by obtaining a form provided by the department, to  
23 be signed by the person's physician and carried at all times in  
24 the vehicle to which the exemption applies, in the same manner  
25 prescribed for the original exemption.

26 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
27 immediate importance, takes effect upon enactment.

28 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies  
29 retroactively to July 4, 2012.

30 EXPLANATION

31 Current law prohibits a person from operating a motor  
32 vehicle with a front windshield, front side windows, or  
33 front sidewings to the left or right of the driver that are  
34 excessively dark or reflective so that it is difficult for  
35 a person to see into the motor vehicle. The department of

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dea/nh

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S.F. 67

1 transportation has established by rule a minimum standard of  
2 transparency of 70 percent light transmittance.

3 Prior to July 4, 2012, a person with a documented medical  
4 need could apply to the department for an exemption from the  
5 minimum standard of transparency. The department's exemption  
6 form bearing the signature of the person's physician must be  
7 carried at all times in the vehicle to which the exemption  
8 applies. As of July 4, 2012, pursuant to administrative rules,  
9 the department discontinued issuing new exemptions; however,  
10 a motor vehicle to which a prior exemption still applies can  
11 continue to be operated under the terms of the exemption for  
12 as long as the motor vehicle continues to be used for the  
13 transport of the passenger or operator who is the subject of  
14 the exemption.

15 This bill provides that an exemption granted prior to July 4,  
16 2012, does not expire when the vehicle to which it applies is  
17 no longer used for the transport of the passenger or operator  
18 who is the subject of the exemption. The person who is the  
19 subject of the exemption may transfer the exemption to another  
20 vehicle in which that person is a passenger or operator. To  
21 accomplish the transfer, the person must obtain a form from the  
22 department, to be signed by the person's physician and carried  
23 in the vehicle at all times, in the same manner in which the  
24 original exemption was obtained.

25 The bill is effective upon enactment and applies  
26 retroactively to July 4, 2012.





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**Senate File 68 - Introduced**

SENATE FILE 68  
BY ZAUN

**A BILL FOR**

1 An Act concerning private sector employee drug testing.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1899XS (2) 85  
je/rj



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S.F. 68

1 Section 1. Section 730.5, subsection 1, paragraphs b and k,  
2 Code 2013, are amended to read as follows:

3 *b. "Confirmed positive test result" means, except for*  
4 *alcohol testing conducted pursuant to subsection 7, paragraph*  
5 *"f", subparagraph (2), the results of a blood, urine, or oral*  
6 *fluid drug test in which the level of controlled substances or*  
7 *metabolites in the specimen sample analyzed meets or exceeds*  
8 *nationally accepted standards for determining detectable levels*  
9 *of controlled substances as adopted by the federal United*  
10 *States department of health and human services' substance abuse*  
11 *and mental health services administration. If nationally*  
12 *accepted standards for oral fluid tests on a particular*  
13 *specimen have not been adopted by the federal United States*  
14 *department of health and human services' substance abuse and*  
15 *mental health services administration, the standards for*  
16 *determining detectable levels of controlled substances for*  
17 *purposes of determining a confirmed positive test result shall*  
18 *be the same standard that has been established cleared or*  
19 *approved by the federal United States department of health and*  
20 *human services' food and drug administration for the measuring*  
21 *instrument used to perform the oral fluid test particular*  
22 *specimen testing utilized.*

23 *k. "Sample" means such sample from the human body capable*  
24 *of revealing the presence of alcohol or other drugs, or their*  
25 *metabolites, which shall include only urine, saliva, breath,*  
26 *and blood. However, "sample" does not mean blood except as*  
27 *authorized pursuant to subsection 7, paragraph "l".*

28 Sec. 2. Section 730.5, subsection 7, paragraphs a and b,  
29 Code 2013, are amended to read as follows:

30 *a. The collection of samples shall be performed under*  
31 *sanitary conditions and with regard for the privacy of the*  
32 *individual from whom the specimen sample is being obtained and*  
33 *in a manner reasonably calculated to preclude contamination or*  
34 *substitution of the specimen sample. If the sample collected*  
35 *is urine, procedures shall be established to provide for*

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1 individual privacy in the collection of the sample unless there  
2 is a reasonable suspicion that a particular individual subject  
3 to testing may alter or substitute the urine ~~specimen~~ sample  
4 to be provided, or has previously altered or substituted a  
5 urine ~~specimen~~ sample provided pursuant to a drug or alcohol  
6 test. For purposes of this paragraph, "*individual privacy*"  
7 means a location at the collection site where urination can  
8 occur in private, which has been secured by visual inspection  
9 to ensure that other persons are not present, which provides  
10 that undetected access to the location is not possible during  
11 urination, and which provides for the ability to effectively  
12 restrict access to the location during the time the ~~specimen~~  
13 sample is provided. If an individual is providing a urine  
14 sample and collection of the urine sample is directly monitored  
15 or observed by another individual, the individual who is  
16 directly monitoring or observing the collection shall be of  
17 the same gender as the individual from whom the urine sample  
18 is being collected.

19     **b.** Collection of a ~~urine~~ sample for testing of current  
20 employees shall be performed so that the ~~specimen~~ sample is  
21 split into two components at the time of collection in the  
22 presence of the individual from whom the sample ~~or specimen~~  
23 is collected. The second portion of the ~~specimen or~~ sample  
24 shall be of sufficient quantity to permit a second, independent  
25 confirmatory test as provided in paragraph "*i*". ~~The~~ If the  
26 sample is urine, the sample shall be split such that the  
27 primary sample contains at least thirty milliliters and the  
28 secondary sample contains at least fifteen milliliters. Both  
29 portions of the sample shall be forwarded to the laboratory  
30 conducting the initial confirmatory testing. In addition to  
31 any requirements for storage of the initial sample that may be  
32 imposed upon the laboratory as a condition for certification  
33 or approval, the laboratory shall store the second portion of  
34 any sample until receipt of a confirmed negative test result or  
35 for a period of at least forty-five calendar days following the

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1 completion of the initial confirmatory testing, if the first  
2 portion yielded a confirmed positive test result.

3 Sec. 3. Section 730.5, subsection 7, paragraph f,  
4 subparagraphs (2) and (3), Code 2013, are amended to read as  
5 follows:

6 (2) Notwithstanding any provision of this section to the  
7 contrary, alcohol testing, including initial and confirmatory  
8 testing, may be conducted pursuant to requirements established  
9 by the employer's written policy. The written policy shall  
10 include requirements governing evidential breath testing  
11 devices, alcohol screening devices, and the qualifications for  
12 personnel administering initial and confirmatory testing, which  
13 shall be consistent with regulations adopted as of January  
14 1, 1999 the effective date of this Act, by the United States  
15 department of transportation governing alcohol testing required  
16 to be conducted pursuant to the federal Omnibus Transportation  
17 Employee Testing Act of 1991.

18 (3) Notwithstanding any provision of this section to the  
19 contrary, collection of an oral fluid sample for testing shall  
20 be performed in the presence of the individual from whom the  
21 sample ~~or specimen~~ is collected. The ~~specimen or~~ sample shall  
22 be of sufficient quantity to permit a second, independent,  
23 confirmatory test as provided in paragraph "i". In addition to  
24 any requirement for storage of the initial sample that may be  
25 imposed upon the laboratory as a condition for certification  
26 or approval, the laboratory shall store the unused portion of  
27 any sample until receipt of a confirmed negative test result or  
28 for a period of at least forty-five calendar days following the  
29 completion of the initial confirmatory testing, if the portion  
30 yielded a confirmed positive test result.

31 Sec. 4. Section 730.5, subsection 7, paragraph i,  
32 subparagraph (2), Code 2013, is amended to read as follows:

33 (2) If a confirmed positive test result for drugs or alcohol  
34 or a test result for drugs or alcohol that is inconclusive or  
35 indicates that the sample has been diluted or altered for a

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1 prospective employee is reported to the employer by the medical  
2 review officer, the employer shall notify the prospective  
3 employee in writing of the results of the test, of the name and  
4 address of the medical review officer who made the report, and  
5 of the prospective employee's right to request records under  
6 subsection 13. The employer may allow a prospective employee  
7 to obtain a confirmatory test at an approved laboratory of  
8 the prospective employee's choice with costs payable by the  
9 prospective employee.

10 Sec. 5. Section 730.5, subsection 10, paragraph a,  
11 unnumbered paragraph 1, Code 2013, is amended to read as  
12 follows:

13 Upon receipt of a confirmed positive test result for drugs  
14 or alcohol which indicates a violation of the employer's  
15 written policy, upon receipt of a test result of a prospective  
16 employee that is inconclusive or indicates that the sample has  
17 been diluted or altered, or upon the refusal of an employee  
18 or prospective employee to provide a testing sample, an  
19 employer may use that test result or test refusal as a valid  
20 basis for disciplinary or rehabilitative actions pursuant to  
21 the requirements of the employer's written policy and the  
22 requirements of this section, which may include, among other  
23 actions, the following:

24 EXPLANATION

25 This bill provides that private sector drug testing may be  
26 conducted on any of those specimens that have been adopted by  
27 the United States department of health and human services or  
28 have been cleared or approved by the United States food and  
29 drug administration for drug testing. Under current Iowa law,  
30 drug testing is permitted only on samples of urine, saliva,  
31 breath, and blood, and not on hair.

32 The bill provides that if the result of a test for drugs or  
33 alcohol on a prospective employee is inconclusive or indicates  
34 that the sample is altered or diluted, an employer may take  
35 disciplinary or rehabilitative action against the prospective

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je/rj

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1 employee in the same manner as if the result of the test was  
2 positive for drugs or alcohol. The bill also provides that the  
3 employer shall notify the prospective employee that the result  
4 of the test is inconclusive or that the sample is altered or  
5 diluted. If the result of the test is positive or inconclusive  
6 or indicative of an altered or diluted sample, the bill  
7 provides that the employer may allow the prospective employee  
8 to obtain a confirmatory test at the employee's cost.



Iowa General Assembly  
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January 28, 2013

**Senate File 69 - Introduced**

SENATE FILE 69  
BY DANIELSON

**A BILL FOR**

1 An Act requiring a study on the feasibility and economic impact  
2 of establishing an ergonomics standard for workplaces.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1702XS (1) 85  
je/nh



Iowa General Assembly  
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S.F. 69

1 Section 1. ERGONOMICS STUDY. The labor services division  
2 of the department of workforce development, in consultation  
3 with stakeholder groups representing employers and employees,  
4 shall conduct a study on the feasibility and economic  
5 impact of establishing an ergonomics standard in this state  
6 for workplaces prone to repetitive motion injuries. The  
7 study shall include the feasibility and economic impact of  
8 implementing a program to minimize repetitive motion injuries  
9 in the workplace, which would include workplace evaluations,  
10 control of exposures which cause repetitive motion injuries,  
11 and employee training. The division shall submit a report on  
12 the findings and recommendations of the study to the general  
13 assembly by December 20, 2013.

14 EXPLANATION

15 This bill requires the labor services division of the  
16 department of workforce development, in consultation with  
17 stakeholder groups representing employers and employees,  
18 to conduct a study on the feasibility and economic impact  
19 of establishing an ergonomics standard in this state for  
20 workplaces prone to repetitive motion injuries. The study is  
21 required to include the feasibility and economic impact of  
22 implementing a program to minimize repetitive motion injuries  
23 in the workplace, which would include workplace evaluations,  
24 control of exposures which cause repetitive motion injuries,  
25 and employee training.

26 A report on the findings and recommendations of the study is  
27 due to the general assembly by December 20, 2013.





Iowa General Assembly  
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January 28, 2013

Senate Study Bill 1075 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ECONOMIC  
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to the economic development financial  
2 assistance duties and powers of the economic development  
3 authority by authorizing and creating fees and a tax  
4 rebate, affecting the aggregate tax credit limit for  
5 certain economic development programs and the tax credit  
6 for the endow Iowa tax credit, authorizing the diversion of  
7 withholding tax payments for certain programs, making an  
8 appropriation, and including effective date and retroactive  
9 applicability provisions.  
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1207XD (2) 85  
mm/rj



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

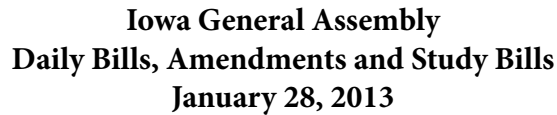
1 DIVISION I  
2 COLLECTION OF FEES  
3 Section 1. Section 12.10, Code 2013, is amended to read as  
4 follows:  
5 **12.10 Deposits by state officers.**  
6 Except as otherwise provided, all elective and appointive  
7 state officers, boards, commissions, and departments shall,  
8 within ten days succeeding the collection, deposit with the  
9 treasurer of state, or to the credit of the treasurer of state  
10 in any depository designated by the treasurer of state, ninety  
11 percent of all fees, commissions, and moneys collected or  
12 received. The balance actually collected in cash, remaining  
13 in the hands of any officer, board, or department shall not  
14 exceed the sum of five thousand dollars and money collected  
15 shall not be held more than thirty days. This section does not  
16 apply to the state fair board, the state board of regents, the  
17 utilities board of the department of commerce, the director of  
18 the department of human services, the Iowa finance authority,  
19 the economic development authority, or to the funds received  
20 by the state racing and gaming commission under sections 99D.7  
21 and 99D.14.  
22 Sec. 2. Section 15.106B, Code 2013, is amended by adding the  
23 following new subsection:  
24 NEW SUBSECTION. 5. *a.* The authority may charge fees to  
25 businesses or individuals who receive financial assistance  
26 under chapter 15 or 15E. The amount of such fees shall be  
27 determined based on the costs of the authority associated with  
28 its performance of contract administration and compliance  
29 duties relating to economic development programs.  
30 *b.* The authority may charge businesses and individuals a fee  
31 for the use of the authority's federal EB-5 immigrant investor  
32 regional center.  
33 Sec. 3. Section 15.330, Code 2013, is amended by adding the  
34 following new subsection:  
35 NEW SUBSECTION. 12. *a.* The imposition of a one-time

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1 compliance cost fee of five hundred dollars to be collected  
2 by the authority prior to the issuance of a tax incentive  
3 certificate or the disbursement of financial assistance.

4     *b.* The imposition of a compliance cost fee equal to one-half  
5 of one percent of the value of tax incentives claimed pursuant  
6 to an agreement that has an aggregate tax incentive value of  
7 one hundred thousand dollars or greater. The authority shall  
8 collect the fee from the business after the tax incentive is  
9 claimed by the business from the department of revenue.

10     Sec. 4. NEW SECTION. 15E.198 **Compliance cost fees.**

11     The compliance cost fees imposed in 15.330, subsection 12,  
12 shall apply to all agreements entered into under this division  
13 and shall be collected by the authority in the same manner and  
14 to the same extent as described in that subsection.

15     Sec. 5. **EFFECTIVE UPON ENACTMENT.** This division of this  
16 Act, being deemed of immediate importance, takes effect upon  
17 enactment.

18     Sec. 6. **APPLICABILITY.** This division of this Act applies to  
19 agreements entered into on or after the effective date of this  
20 division of this Act.

### AGGREGATE TAX CREDIT LIMITATION

25 1. a. Notwithstanding any provision to the contrary in  
26 any of the programs listed in subsection 2, the authority,  
27 except as provided in paragraph "b", shall not authorize for  
28 any one fiscal year an amount of tax credits for the programs  
29 specified in subsection 2 that is in excess of one hundred  
30 ~~twenty~~ eighty-five million dollars.

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1     (2) Any amount of tax credits authorized and awarded during  
2     a fiscal year for a program specified in subsection 2 which are  
3     irrevocably declined by the awarded business on or before June  
4     30 of the next fiscal year may be reallocated, authorized, and  
5     awarded during the fiscal year in which the declination occurs.  
6     Tax credits authorized pursuant to this subparagraph shall not  
7     be considered for purposes of subparagraph (1).

8     Sec. 8. Section 15.119, subsection 2, paragraphs d and e,  
9 Code 2013, are amended to read as follows:

10    d. The tax credits for investments in qualifying businesses  
11    and community-based seed capital funds issued pursuant to  
12    section 15E.43. In allocating tax credits pursuant to this  
13    subsection, the authority shall allocate two million dollars  
14    for purposes of this paragraph, unless the authority determines  
15    that the tax credits awarded will be less than that amount.

16    e. The tax credits for investments in an innovation fund  
17    pursuant to section 15E.52. In allocating tax credits pursuant  
18    to this subsection, the authority shall allocate eight million  
19    dollars for purposes of this paragraph, unless the authority  
20    determines that the tax credits awarded will be less than that  
21    amount.

22    Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this  
23 Act, being deemed of immediate importance, takes effect upon  
24 enactment.

25    Sec. 10. RETROACTIVE APPLICABILITY. This division of this  
26 Act applies retroactively to July 1, 2012.

27                                   DIVISION III

28                                   ENDOW IOWA TAX CREDIT LIMIT

29    Sec. 11. Section 15E.305, subsection 2, Code 2013, is  
30 amended to read as follows:

31    2. The aggregate amount of tax credits authorized pursuant  
32 to this section shall not exceed a total of three five million  
33 ~~five hundred thousand~~ dollars ~~plus such additional credit~~  
34 ~~amount as provided by this section~~ annually.

35    a. The maximum amount of tax credits granted to a taxpayer

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1 shall not exceed five percent of the aggregate amount of tax  
2 credits authorized.

3 ~~a.~~ b. Ten percent of the aggregate amount of tax credits  
4 authorized in a calendar year shall be reserved for those  
5 endowment gifts in amounts of thirty thousand dollars or less.  
6 If by September 1 of a calendar year the entire ten percent of  
7 the reserved tax credits is not distributed, the remaining tax  
8 credits shall be available to any other eligible applicants.

9 ~~b. For purposes of this subsection, the additional credit~~  
10 ~~amount shall be an amount for each applicable calendar year~~  
11 ~~determined by the department of revenue equal to the amount of~~  
12 ~~money credited as provided by section 99F.11, subsection 3,~~  
13 ~~paragraph "d", subparagraph (3), for the prior fiscal year.~~

14 Sec. 12. Section 99F.11, subsection 3, paragraph d,  
15 subparagraph (3), Code 2013, is amended by striking the  
16 subparagraph.

17 Sec. 13. EFFECTIVE UPON ENACTMENT. This division of this  
18 Act, being deemed of immediate importance, takes effect upon  
19 enactment.

20 Sec. 14. RETROACTIVE APPLICABILITY. This division of this  
21 Act applies retroactively to January 1, 2013, for endow Iowa  
22 tax credits authorized on or after that date.

23 DIVISION IV

24 WITHHOLDING TAX DIVERSION

25 Sec. 15. NEW SECTION. 15.331 Withholding tax payment  
26 diversion.

27 1. If the authority enters into an agreement pursuant to  
28 this part, or pursuant to chapter 15E, division XVIII, for  
29 any of the incentives or assistance provided under this part,  
30 the authority and the eligible business may agree to credit  
31 a portion of the withholding payments required under section  
32 422.16 to the authority as provided in this section.

33 2. a. An eligible business entering into a withholding  
34 agreement with the authority pursuant to this section shall  
35 remit the total amount of withholding payments due pursuant to

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1 section 422.16 to the department of revenue.

2     **b.** The department of revenue shall quarterly deposit in a  
3 fund created pursuant to section 15.106A an amount equal to two  
4 and one-half percent of the gross wages paid by the eligible  
5 business to each employee holding a created or retained job  
6 covered by an agreement entered into pursuant to this part or  
7 chapter 15E, division XVIII. Moneys to be deposited pursuant  
8 to this paragraph shall not be paid to the authority until  
9 the correct amounts have been verified by the department of  
10 revenue.

11     **3.** Withholding payments shall be deposited pursuant to this  
12 section by the department of revenue for each employee holding  
13 a created or retained job for the duration of the agreement  
14 between the eligible business and the authority.

15     **4.** The authority and the eligible business shall provide  
16 to the department of revenue any information necessary to  
17 correctly process the diversion of withholding tax payments  
18 pursuant to this section.

19     **5.** An employee holding a created or retained job shall  
20 receive full credit for the amount withheld as provided in  
21 section 422.16.

22     **6.** If a portion of the employee's gross wages are subject  
23 to a withholding credit diversion under chapter 260E, chapter  
24 260G, or section 403.19A, or a supplemental withholding credit  
25 diversion under section 15E.197, when a withholding credit  
26 diversion under this section is agreed to, then the withholding  
27 payments shall be credited in the following order of priority:

28     **a.** First, the withholding payments to be credited pursuant  
29 to chapters 260E and 260G and section 15E.197.

30     **b.** Second, the withholding payments to be credited pursuant  
31 to this section.

32     **c.** Third, the withholding payments to be credited pursuant  
33 to section 403.19A.

34     **7.** If a withholding agreement is entered into pursuant to  
35 this section before a withholding agreement is entered into



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1 under chapter 260E or 260G, or section 15E.197 or 403.19A, the  
2 withholding payments shall be credited in the order in which  
3 the agreements are entered into.

4 8. The authority, in conjunction with the department of  
5 revenue, shall adopt rules for the administration of this  
6 section.

7 Sec. 16. EFFECTIVE UPON ENACTMENT. This division of this  
8 Act, being deemed of immediate importance, takes effect upon  
9 enactment.

10 Sec. 17. RETROACTIVE APPLICABILITY. This division of  
11 this Act applies retroactively to July 1, 2012, for high  
12 quality jobs program agreements and enterprise zone program  
13 agreements entered into on or after that date, and for awards  
14 of incentives or assistance made under those programs on or  
15 after that date.

16 DIVISION V

17 CITY DEVELOPMENT BOARD FEES

18 Sec. 18. Section 368.10, Code 2013, is amended to read as  
19 follows:

20 **368.10 Rules — establishment of filing fees.**

21 The board may establish rules for the performance of its  
22 duties and the conduct of proceedings before it. The rules  
23 may include establishing filing fees for applications and  
24 petitions submitted to the board. The amounts collected  
25 from the establishment of such fees are appropriated to the  
26 board for the purpose of reimbursing the economic development  
27 authority for the budgeted costs of covering the board's  
28 expenses as described in section 368.9, subsection 1. Any  
29 amounts collected in a fiscal year by the board in excess of  
30 such budgeted costs shall be deposited in the general fund of  
31 the state. The board's rules are subject to chapter 17A, as  
32 applicable.

33 DIVISION VI

34 HIGH QUALITY JOBS REPLACEMENT TAX REBATE

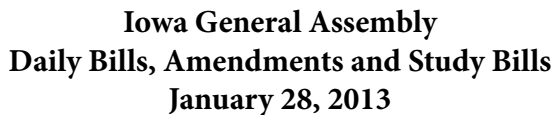
35 Sec. 19. NEW SECTION. **15.332A Replacement tax rebate.**

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1 requirement to deposit all collected fees with the treasurer of  
2 state.

3 The division creates two compliance cost fees to be imposed  
4 on all persons or entities that enter into an agreement with  
5 the EDA under its high quality jobs program or enterprise zone  
6 program. First, a one-time compliance cost fee of \$500 due  
7 prior to the issuance of a tax incentive certificate or the  
8 disbursement of financial assistance. Second, a compliance  
9 cost fee equal to 0.5 percent of the value of tax incentives  
10 claimed under any agreement that has an aggregate tax incentive  
11 value of \$100,000 or greater, which fee is due after a tax  
12 incentive is claimed from the department of revenue.

13 The division takes effect upon enactment and applies to  
14 agreements entered into on or after the effective date of the  
15 division.

16 AGGREGATE TAX CREDIT LIMITATION. Division II increases  
17 the aggregate tax credit limit on EDA programs listed in  
18 Code section 15.119 from \$120 million per fiscal year to  
19 \$185 million per fiscal year. The division allows the EDA  
20 to reallocate, authorize, and award for a fiscal year any  
21 amount of tax credits that were previously awarded by the EDA,  
22 provided the tax credit is irrevocably declined by the awarded  
23 business before the close of the fiscal year which follows the  
24 fiscal year in which it was awarded. Any amount of tax credits  
25 reallocated, authorized, and awarded under this provision shall  
26 not be included in the calculation of the aggregate tax credit  
27 limit for the fiscal year.

28 The division amends the requirements that \$2 million and \$8  
29 million in tax credits be allocated to the qualifying business  
30 and community-based seed capital funds investment tax credits  
31 and the innovation fund tax credit, respectively, to allow  
32 the EDA to allocate a lesser amount if it determines the tax  
33 credits awarded for that fiscal year will be lower.

34 The division takes effect upon enactment and applies  
35 retroactively to July 1, 2012.



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1     ENDOW IOWA TAX CREDIT LIMIT. Under current law, the amount  
2 of endow Iowa tax credits that may be authorized in a calendar  
3 year cannot exceed a total of \$3.5 million plus a certain  
4 percentage of the wagering tax receipts as provided in Code  
5 section 99F.11. Division III amends this annual limit to  
6 provide that a maximum of \$5 million per calendar year may  
7 be authorized and to provide that amounts collected from the  
8 wagering tax pursuant to Code section 99F.11 will no longer be  
9 used to fund the endow Iowa tax credit.

10    The division takes effect upon enactment and applies  
11 retroactively to January 1, 2013, for endow Iowa tax credits  
12 authorized on or after that date.

13    WITHHOLDING TAX DIVERSION. Division IV provides for  
14 a diversion of withholding tax to the EDA. The division  
15 provides that the authority may enter into agreements with  
16 recipients of financial assistance under the high quality jobs  
17 program and the enterprise zones program that allow for the  
18 diversion of withholding tax payments pursuant to Code section  
19 422.16 from the department of revenue to the authority. The  
20 diversion amount will be 2.5 percent of gross wages paid by  
21 eligible businesses to each employee considered to be holding a  
22 created or retained job. The division establishes a priority  
23 withholding order if the employee's wages are subject to  
24 another withholding diversion. The division provides that the  
25 withholding diversion takes effect upon enactment and applies  
26 retroactively to high quality jobs program agreements and  
27 enterprise zone program agreements entered into on or after  
28 July 1, 2012, and awards of incentives and assistance made  
29 under those programs on or after July 1, 2012.

30    CITY DEVELOPMENT BOARD FEES. Under current law, the EDA  
31 is required to provide office space and staff assistance to  
32 the city development board created in Code section 368.9,  
33 and to budget funds to cover expenses of the board. Also  
34 under current law, the city development board is allowed to  
35 impose fees upon applications and petitions submitted to the



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1 board. Division V appropriates the amounts collected from  
2 those fees to the city development board for the purpose of  
3 reimbursing the EDA for the budgeted costs of covering the  
4 board's expenses. Any fees collected in a fiscal year by the  
5 city development board in excess of such budgeted costs shall  
6 be deposited in the general fund of the state.

7 HIGH QUALITY JOBS REPLACEMENT TAX REBATE. Division VI  
8 provides that a community may rebate all or a portion of the  
9 replacement tax imposed on the delivery of natural gas in Code  
10 section 437A.5. To qualify for the rebate, the natural gas  
11 upon which the replacement tax was paid must be delivered or  
12 consumed in completion of a project that is part of a high  
13 quality jobs program agreement and must be directly related to  
14 new jobs created by the start-up, location, or expansion of an  
15 eligible business under the high quality jobs program.

16 The division takes effect upon enactment and applies to high  
17 quality jobs program agreements entered into on or after July  
18 1, 2012.



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**Senate Study Bill 1076 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ATTORNEY GENERAL  
BILL)

**A BILL FOR**

1 An Act relating to mobile and manufactured home tenancy by  
2 providing for minimum duration of rental agreements,  
3 providing for termination or nonrenewal of rental  
4 agreements, and modifying notice of unpaid rent and related  
5 forcible entry and detainer provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 562B.10, subsection 4, Code 2013, is  
2 amended to read as follows:

3 4. Rental agreements shall be for a term of at least one  
4 ~~year unless otherwise specified in the rental agreement.~~  
5 Rental agreements shall be ~~canceled~~ terminated by at least  
6 sixty days' written notice given by ~~either party~~ a tenant  
7 unless the tenant is terminating the rental agreement pursuant  
8 to a section of this chapter which allows for a shorter notice  
9 period. ~~A landlord shall not cancel a rental agreement solely~~  
10 ~~for the purpose of making the tenant's mobile home space~~  
11 ~~available for another mobile home.~~ Rental agreements shall be  
12 terminated by a landlord, or not renewed by a landlord, in a  
13 time and manner which complies with this chapter.

14 Sec. 2. Section 562B.10, Code 2013, is amended by adding the  
15 following new subsection:

16 NEW SUBSECTION. 4A. *a.* A landlord may terminate a tenancy  
17 during the initial twelve months of the tenancy if the tenant  
18 engages in any of the following:

19 (1) A material noncompliance with the rental agreement.

20 (2) A material violation of the manufactured mobile home  
21 community or mobile home park rules or regulations.

22 (3) Any other violation of this chapter for which  
23 termination is a remedy.

24 *b.* A landlord may only terminate a tenancy after the initial  
25 twelve months, or may only fail to renew a tenancy, for any of  
26 the following reasons:

27 (1) A legitimate and material business reason the impact of  
28 which is not specific to one tenant.

29 (2) A change in the use of the land if a change in the use  
30 of the land is included in the rental agreement as grounds for  
31 termination or nonrenewal.

32 (3) Any of the reasons included in paragraph *"a"*.

33 *c.* A landlord may terminate or not renew a tenancy pursuant  
34 to paragraph *"b"*, subparagraphs (1) and (2), by a written notice  
35 given to the tenant at least sixty days prior to the periodic

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1 rental date specified in the notice. The notice shall specify  
2 all facts which give rise to the notice of termination or  
3 failure to renew.

4 Sec. 3. Section 562B.25, subsection 2, Code 2013, is amended  
5 to read as follows:

6 2. If rent is unpaid when due and the tenant fails to pay  
7 rent within ~~three~~ fourteen days after written notice by the  
8 landlord of nonpayment and of the landlord's intention to  
9 terminate the rental agreement if the rent is not paid within  
10 that period of time, the landlord may terminate the rental  
11 agreement.

12 Sec. 4. Section 648.3, subsection 1, Code 2013, is amended  
13 to read as follows:

14 1. Before action can be brought under any ground specified  
15 in section 648.1, except subsection 1, three days' notice to  
16 quit must be given to the defendant in writing. However, a  
17 landlord who has given a tenant three days' notice to pay  
18 rent and has terminated the tenancy as provided in section  
19 562A.27, subsection 2, or has given a tenant fourteen days'  
20 notice to pay rent and has terminated the tenancy as provided  
21 in section 562B.25, subsection 2, if the tenant is renting the  
22 manufactured or mobile home or the land from the landlord, may  
23 commence the action without giving a three-day notice to quit.

24 EXPLANATION

25 This bill makes changes relating to tenancy in mobile home  
26 parks and manufactured home communities.

27 The bill amends Code section 562B.10 to provide that the  
28 term of a rental agreement shall be for at least one year  
29 regardless of whether the rental agreement specifies otherwise.  
30 The bill eliminates the right of the landlord to terminate an  
31 agreement, without a reason, at the end of the term of the  
32 rental agreement upon 60 days' written notice to the tenant.

33 The bill further amends Code section 562B.10 to provide that  
34 a landlord may terminate a tenancy during the initial 12 months  
35 of the tenancy if the tenant acts in material noncompliance



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1 of the rental agreement, commits a material violation of the  
2 manufactured mobile home community or mobile home park rules  
3 or regulations, or commits any other violation of Code chapter  
4 562B which allows the remedy of termination.

5 The bill provides that a landlord may terminate a tenancy  
6 after the initial 12 months or may fail to renew a tenancy for  
7 a legitimate and material business reason the impact of which  
8 is not specific to one tenant, a change in the use of the land  
9 if a change in the use of the land is included in the rental  
10 agreement as grounds for termination or nonrenewal, or any  
11 reason for termination allowed in the initial 12 months of the  
12 tenancy.

13 The bill provides that if a landlord terminates or fails to  
14 renew a tenancy for a legitimate and material business reason  
15 or a change in the use of the land as allowed in the bill, the  
16 landlord shall terminate or fail to renew by a written notice  
17 given to the tenant at least 60 days prior to the periodic  
18 rental date specified in the notice. The notice must specify  
19 all facts which give rise to the notice of termination or  
20 failure to renew.

21 The bill amends Code section 562B.25 to increase the number  
22 of days from three to 14 in which a tenant has to pay the  
23 unpaid rent after written notice is provided to the tenant of  
24 nonpayment of the rent.

25 The bill amends Code section 648.3 to provide that a  
26 landlord can commence a forcible entry and detainer action  
27 without giving a three-day notice to quit when the landlord has  
28 given 14 days' notice to pay rent as provided in Code section  
29 562B.25.